

1. Agenda

Documents:

[20200708_CHARTER_REVIEW_COMMISSION.PDF](#)

2. Agenda - Revised

Documents:

[20200708_CHARTER_REVIEW_COMMISSION_REVISED.PDF](#)

3. Minutes

Documents:

[ACRC_MINUTES_7-8-20.PDF](#)



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CITY HALL
62 Friend Street
Amesbury, MA 01913

MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A §§18-25
Version 7.1.10

Amesbury Charter Review Commission (ACRC) Meeting

Wednesday, July 8, 2020 at 7:00 PM
Virtual Meeting

NOTICE: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20', signed on March 12, 2020. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page:
www.facebook.com/AmesburyCommunityTelevision

PUBLIC PARTICIPATION: To submit a public comment, you can email the ACRC staff liaison, Paul Fahey, ahead of time at faheyp@amesburyma.gov, or submit a comment on the Facebook Live feed, by beginning your comment with PUBLIC COMMENT.

Agenda:

Call to Order/Roll Call

Review and Approval of Minutes

Discussion with Collins Center

Other Business

Public Comment

Next Meeting Date

Adjournment



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Review and Action on Chair's Report

Other Business

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Next Meeting Date

Adjournment

MINUTES - Amesbury Charter Review Commission (ACRC)

Wednesday, July 8, 2020, 7:00pm, Virtual Meeting (via GTM and ACTV)

COMMISSIONERS IN ATTENDANCE

Rob Chamberlain
Kate Currie
Peter Frey
Bonnijo Kitchin
Jonathan Sherwood
Nick Wheeler

ABSENT

Christian Scorzoni

OTHERS IN ATTENDANCE

Paul Fahey, Chief of Staff, Office of the Mayor (Staff Liaison)
Michael Ward, Director, Collins Center
Stephen McGoldrick, Former Director, Collins Center

CALL TO ORDER/ROLL CALL All Commissioners except Christian Scorzoni were present.

REVIEW AND APPROVAL OF MINUTES Chair Nick Wheeler asked for approval of the minutes from the June 25, 2020 meeting. Motion for approval by Jonathan Sherwood, seconded by Peter Frey. 6 in favor, 1 absent.

DISCUSSION WITH COLLINS CENTER Michael Ward introduced the Collins Center, provided a brief history, and introduced his colleagues, Steve McGoldrick as another representative of the Collins Center and Marilyn Contreas who will be involved with future calls.

Michael Ward started an informal discussion of the key points from the technical memo provided to the commission. Data in response to questions asked of the Collins Center was provided to Paul and Nick earlier today. This will be provided to commissioners the following day. Data was collected for specific topics from comparable cities with populations less than 29,000 in a mayor/council format.

Michael Ward discussed that there were many small topics to be covered but no major flaws throughout the charter that needed to be addressed. Readability improvements for overall structure were noted to include a table of contents and consistent use of terms, capitalization, and punctuation.

Michael Ward detailed redundancy in Part 1 section 5 that could be reformatted to clean up the section. The title of the document in Part 1 should match the title page. As a matter of preference, the definitions section could be moved from the back of the document towards the front.

Michael Ward continued the discussion to Part 2 of the charter. He stated the stylistic layout of having the second part jump to the executive is unusual but there is nothing wrong with this. The mayoral term length is split evenly for comparable cities between 2- and 4-year terms but there is a clear trend going towards 4-year terms for mayor. On the topic of the mayor's role as chair of the school committee, the Collins Center provided data regarding comparable cities. Smaller cities all had mayor on the school committee, but it is evenly split whether the mayor is the chair or not.

Chair Nick Wheeler asked if Paul Fahey could send the document from the Collins Center to the rest of the commissioners. Paul responded that he would send this to everyone.

Michael Ward noted a couple of items that could be classified as prohibitions such as 1-year requirement for the mayor to not serve in another position after the end of their term. This policy exists for other positions later in the charter. There was also a question regarding the impact of a felony conviction.

Steve McGoldrick stated that the topic of a felony conviction resulting in prohibition from serving is covered by MA state law Chapter 279 Section 30. Many charter commissions still prefer to mention this in the charter for symbolic reasons to have a felony conviction result in the office being vacated.

Michael Ward discussed clarification of temporary appointments for the intent of the council being able to vote on this.

Michael Ward proceeded with the discussion of Part 3 – the council. Although there is less movement around the Commonwealth related to councilor terms, there is some movement and this data can be collected if it is to be discussed. There is not an explicit term length set for the council president. While there is recourse to remove the president, there could be explicit language to define a term limit.

Michael Ward discussed alternative options for filling of vacancies and that each has their own drawbacks. Language can be improved to keep the current system but to clarify the threshold required for other candidates to be eligible.

Steve McGoldrick stated the language should be worded carefully. With two-year terms, having a special election probably does not make sense. If there is a short period of time left, the seat could be left vacant or the current system of appointing a replacement may make the most sense.

Rob Chamberlain asked if it is important to define what the terms are such as ballots cast to remove any ambiguity as to whether blank ballots are counted or not.

Steve McGoldrick responded that the Collins Center can assist with the language for this.

Rob Chamberlain clarified that the confusion comes when voters are selecting multiple candidates for the same position such as councilors at large.

Rob Chamberlain asked if there are any municipalities with 4-year terms for council that stagger the terms of city councilors so that all are not being voted in at the same time.

Steve McGoldrick responded that he did not know of any city councils that have staggered terms. Only 3 of the 43 cities have 4-year terms for council.

Michael Ward explained how Framingham implemented a system with district councilors on 2-year terms and at-large councilors on 4-year terms that are offset with the mayor. The logic was to use the at large elections to drive turnout during the off mayoral election years.

Michael Ward continued discussion with Part 4. Amesbury has planning board, housing authority, and library trustees as elected committees but most cities have these as appointed.

Peter Frey asked why more cities format these committees as appointed rather than elected.

Steve McGoldrick explained that the housing authority cannot be in elected form. Deep analysis would need to be done to keep this in the elected format. The housing authority operates very differently in a town as opposed to a city. A special act might be needed to keep it in the elected format. The library trustees have typically been elected in town form of government. In colonial days, this was because of censorship of books.

Michael Ward explained that the planning board is intended to be appointed so that an elected planning board does not create an extra set of challenges for the mayor to pursue their vision for the city. A separate elected planning board could pursue its own objectives.

Steve McGoldrick pointed out that it might be a good idea to research how often there are contested elections for the committees in question. If these are generally not contested positions, it likely does not make sense for them to remain elected.

Jonathan Sherwood asked if there was a statutory conflict for the housing authority restriction.

Steve McGoldrick responded that this could be found in Chapter 121D, Section 5.

Bonnijo Kitchin commented about receiving communication from the department of housing during her time as clerk to take people off the ballot for the housing authority. There was a back and forth about whether this could be on the ballot or not. This oversight would be a good reason for the housing authority to not be elected.

Steve McGoldrick explained the housing authority is set up as an independent body politic and corporate with a separate housing stock.

Chair Nick Wheeler recounted how there was a controversial discussion during the last charter review cycle about changing the committees from elected to appointed. Jonathan Sherwood confirmed this.

Paul Fahey suggested that this scenario lends itself to an example of how the division of changes should be proposed to not jeopardize other substantive changes to the charter.

Michael Ward explained that there were no major issues found with Part 5 but asked the commission if there were any concerns that should be discussed.

Chair Nick Wheeler mentioned Christian Scorzoni had some concerns about the financial planning details in the charter and asked Rob Chamberlain for feedback.

Rob Chamberlain referenced ambiguity about the interpretation of mayoral flexibility in financial planning and timelines. These guidelines should be clear for everyone.

Chair Nick Wheeler suggested an issue related to the governor's emergency declaration for COVID-19 and the charter not having any reference to a continuing appropriations budget.

Michael Ward explained that the city would be covered by the emergency declaration. Steve further clarified that a one twelfth budget would not be pursued in other scenarios.

Chair Nick Wheeler further explained that the continuing appropriations format of the budget conflicts with the timelines set forth by the charter, but it can be assumed that the emergency declaration overrides these requirements.

Paul Fahey mentioned previous experience with one twelfth budget. He has seen it utilized in the past, but it is governed by state law and does not necessarily need to be documented in the charter as well. It is a tool that is not used frequently but occasionally needs to be used.

Jonathan Sherwood referenced Christian Scorzoni's questions about part 5 referencing financial procedures and policies. The documentation of the capital improvement plan, the budget, and other financial sections are written to the bare minimum needed. Jonathan expressed interest in feedback regarding these sections about adding more language for expectations without becoming too restrictive.

Michael Ward responded that the article addressing financial policies is relatively standard. Different examples could be provided as alternative options for commission review to see if there are other items that could be adopted.

Michael Ward discussed part 6 items. Specifically, reorganization by ordinance is not utilized as much elsewhere and it typically starts in the executive with council having a say. Having the council initiate a reorganization can create significant challenges for the executive. Some charters also include sections addressing hiring and promotions as a symbolic reference of important topics.

Michael Wood asked for any topics from part 7 that the commission wanted to discuss.

Chair Nick Wheeler highlighted the disagreement between different sections regarding appointments. The council has 21 days to act. If no action is taken within that time frame, the appointment takes effect. One section allows the council to approve an appointment candidate sooner than 21 days and have it take effect while others have the appointments not become official until after 21 days has passed. Suggested to have agreement between sections and increase flexibility for appointments to become official as soon as they are approved.

Chair Nick Wheeler requested insight into a ranked choice voting option as a topic of discussion considering recent close elections.

Michael Ward and Steve McGoldrick responded that Cambridge is the only municipality in the Commonwealth that utilizes ranked choice voting. Amherst was interested in addressing this, but it is complicated and time consuming to explore. With a strict timeline for the commission, it may be very challenging to accomplish this via the charter review. There are other mechanisms to explore recommending research and exploration of the voting method for the city. It is a major decision that would deserve a separate analysis.

Chair Nick Wheeler discussed a note for section 7-6 regarding language that elections are non-partisan to reinforce state law.

Michael Ward requested to postpone discussion about part 8 for a meeting when Marilyn can attend a subsequent meeting.

Steve McGoldrick asked how often citizen relief mechanisms were used in the city.

Bonnijo Kitchin responded these were used several times during her time as clerk.

Chair Nick Wheeler mentioned that a mechanism was used in the past week in regard to the elementary school project.

Michael Ward provided data in the research chart for how comparable cities offered stipends for the school committee. This might impact whether health benefits are offered to school committee members.

Chair Nick Wheeler stated he believes that city council members are prohibited by the charter from receiving any additional benefits.

Steve McGoldrick recommended that this same policy be expanded for the school committee.

Chair Nick Wheeler discussed part 9-5c stating city employees are prohibited from volunteering on boards and committees. He asked if a conflict of interest existed for non-elected boards or committees and how other municipalities handled this. He also asked if a residency requirement be included for appointed positions.

Steve McGoldrick recommended this be handled via waivers on a case by case basis for appointed individuals to make a case for themselves to be on the board. The default would remain with a residency requirement but there can be a provision for a waiver option.

Jonathan Sherwood pointed out that the residency requirement does not currently exist, but this could be added into the charter while including a mechanism for reasonable individuals to overcome this if there is a good reason.

Michael Ward asked for feedback on next steps that the commission might want from the Collins Center.

Jonathan Sherwood mentioned clarification is needed for vacancies following elections and thresholds needed to be eligible for appointments. There may need to be specific language for the inclusion of blanks.

Steve McGoldrick suggested it could be fixed by differentiating between ballots cast and votes cast.

Chair Nick Wheeler stated the way it is worded currently is that blanks are not counted towards the 30%. This could potentially result in someone being seated that 80% of the city did not vote for.

Kate Currie mentioned a recent case where there was confusion about which previous election should have been used because vacancies were being filled for multiple positions that were on staggered terms.

Rob Chamberlain asked for some general feedback about making documents available to the public in digital formats and making this uniform throughout the charter.

Michael Ward responded that some examples could be pulled that are specific but also adaptable as needed for future situations.

Paul Fahey brought up the topic of definitions and asked if there was a standard for number or specific definitions to include in the charter.

Steve McGoldrick highlighted that Newburyport did a very thorough job with their definitions section.

Paul Fahey asked if there was an official way of whether councilor should be spelled with one or two L's.

Steve McGoldrick said that both are used interchangeably.

Michael Ward pointed out minor technical points and consistency issues that are included in the Collins Center report.

Steve McGoldrick stated that they use the legislative drafting manual as a reference to identify the format that should be used.

Chair Nick Wheeler asked about the end of Part 9 that references transition dates that were established after the last charter review and the timing being disrupted by this review cycle.

Steve McGoldrick responded that being off schedule could be addressed but then it can return to the designated years for actions to take place.

Michael Ward and Steve McGoldrick left the meeting before other business was discussed.

OTHER BUSINESS

Chair Nick Wheeler moved to the next item of business to review the chair's report of recommendations and asked for feedback.

Peter Frey highlighted several points needing clarification. Part 3-1 should be 3-1(a) rather than 3-1-1. Part 3-5 should be 3-5(c). 5-4(b) should read that the word date is used but needs to be corrected to "data".

Motion to adopt chair's recommendations by Bonnijo Kitchin, seconded by Peter Frey. 6 in favor, 1 absent.

Chair Nick Wheeler proposed going section by section through the Collins Center report at the next meeting.

PUBLIC COMMENT

Mel Webster · 19:10 Public comment: mayoral term should definitely be 4 years.

Mel Webster · 26:39 Public comments: The problem with the vacancy language is that it should be a percentage of the total number of voters who went to the polls that day. The way it's worded now makes no sense.

Steve Stanganelli · 58:19 PUBLIC COMMENT: Steve Stanganelli, 12 Amidon Ave: Section 8 - The Charter should address and allow, if possible, digital petitions to accommodate the availability of technology and allowing greater access for citizen petitions. Can the consultant comment on this?

Steve Stanganelli · 1:00:09 PUBLIC COMMENT: Steve Stanganelli, 12 Amidon Ave.: I support the use of Ranked-Choice Voting. Can the Charter provide flexibility for us to choose to use it?

Steve Stanganelli · 1:03:26 PUBLIC COMMENT - Steve Stanganelli, 12 Amidon Ave: Section 8-4 Required Voter Participation: This should be changed to clarify what it means by voters (i.e. all registered as of a particular date). That will also be relevant for the issue of vacancies. And I recommend a higher threshold closer to 30% to 35% for voter threshold. It seems unfair to have such a low bar to encumber the community at large. Does the consultant have any comment on how other communities do this or if there is a state mandated threshold?

Mel Webster · 1:18:46 Public comment: "ballots cast" language would solve the issue.

Steve Stanganelli · 1:21:48 PUBLIC COMMENT: Steve Stanganelli, 12 Amidon Ave.: I echo Mel Webster's comment. Language should specifically mention total ballots cast.

Anthony S. Rinaldi · 1:29:52 Public Content. If you use two l's' in councilor we would have to change all our email address.

NEXT MEETING DATE Thursday, July 23rd at 7pm via GoToMeeting.

ADJOURNMENT Motion to adjourn by Jonathan Sherwood, seconded by Rob Chamberlain. 6 in favor, 1 absent. Meeting adjourned at 8:42pm.

Respectfully prepared and submitted by Peter Frey, Secretary, Amesbury Charter Review Commission