

**METHUEN CHARTER COMMISSION  
GREAT HALL, SEARLES BUILDING  
JANUARY 20, 2010 - 7:00 p.m.**

Chairman Joseph Pappalardo called the meeting of the Methuen Charter Commission, scheduled for January 20, 2010 to order at 7:00 p.m. with seven members present. Patricia Uliano and Kenneth Bourassa were absent

ACCEPTANCE OF AGENDA

MOTION BY: Barbara Grondine seconded by Robert Vogler to accept the agenda  
UPON VOTE: UNANIMOUS

Pledge of Allegiance

ACCEPTANCE OF MINUTES

MOTION BY: Mr. Vogler seconded by Ms. Grondine to waive the reading and accept the minutes of November 24, 2009 and December 10, 2009  
UPON VOTE: UNANIMOUS

TREASURE'S REPORT

Barbara Grondine read a report from City Auditor Thomas Kelly. As of December 7, 2009 the City Council budget was amended to add \$5,000 dollars to a new line item Charter Commission.

Expenditures

December 19,2009 an expense for \$75.00 (taping of the meeting)

January 16,2010 an expense for \$79.35 for advertising (eagle tribune)

To Date: Balance - \$4,845.65

MOTION BY: Ms Kalil seconded by Ms Donovan to accept the report  
UPON VOYE: UNANIMOUS

PUBLIC PARTICIPATION

Sharon Ployer- 2 Wilson Street. Congratulated the committee on their election and would want them to hold City Hall accountable for money spent, programs, construction projects and to make sure the citizens are getting what they pay for.

Sam Malangie – spoke of changes he would like to see on the Charter. He thinks Methuen needs a professional city manager. The town is so big and the budget that we have should have a city manager with municipal management knowledge and not have to be concerned with term limits. He feels the Mayor has too much power and more power should be given to the City Council. This is his opinion and the view of many of the people who signed the petition.

Barbara Grondine stated that she appreciated the time and effort that Marilyn Freeman put into the report she emailed to the commission. She reviewed every page and article of the Charter and came up with wonderful suggestions with simple changes without any vote or discussion. If we incorporate some of her suggestions we would end up with a nice document. This was a big help to the committee.

Chairman Pappalardo asked the committee (when reviewing the Charter) if they have a comment, do they want to wait till the next meeting or deal with it as it is reviewed. Mr. Dennis DiZoglio stated it is important to discuss the issues but to open it up (to discussion) we will not get very far by analyzing the Charter to stop on every item or take public participation. It may be more prudent to review (line by line) and at another public meeting invite comments on the discussions and take public participation. Mr. Robert Vogler agreed it is better to go page-by-page, review and discuss among the committee and then (after a certain amount of review) produce a document and bring it before the public to look at it and put it on line. It will be easier to flow through in a consistent way.

Chairman Pappalardo suggested if there are questions they can be discussed at the next meeting. There should be a consensus of the committee on what to bring to the voting public.

Ms. Barbara Grondine suggested if anyone in the audience has questions and we go to the next meeting and need a reminder of what was said, the minutes of this meeting would be available to them.

Chairman Pappalardo stated the minutes would be posted once they are accepted.

MOTION BY: Ms. Grondine seconded by Mr. DiZoglio to close public participation.

UPON VOTE: UNANIMOUS

#### DISCUSSION (AND/OR VOTE) INDIVIDUAL PAGE REVIEW OF PRESENT HOME RULE CHARTER

Chairman Pappalardo noted the committee has received for their review City Charters from the cities of Fitchburg and Gloucester.

The committee began reading the (Methuen) Charter Section 1-1 to Section 1-5 into the record.

Discussion

Barbara Grondine suggested that the committee accept this page. The public may come to the next meetings with comments or questions.

Dennis DiZoglio asked that the committee identify the areas for discussion. Research language and/or changes made and at a subsequent meeting discuss the suggestions. This will fine-tune the items that are of a concern to the commission.

Section 1-6 was read into the record.

Discussion

Maureen Donovan stated she would amend section C (amended in 1999) term limits to the original definition of six terms, then run for another office. At the time the pressure was confusing (on the ballot) and it should go back to the original definition.

Ms. Grondine would change 2-B. If someone moves from one district why are they allowed to still represent the district they moved out of.

John. Cronin stated his thoughts are that it is that way because it would require calling for a special election at a cost to the city.

Robert Vogler said there is nothing in the Charter that states how to replace a Councilor that moves out. That is something that would have to be inserted. The current Charter states it is up to the City Council. (Sec 2-6)

Mr. DiZoglio stated at the time of the ballot vote on term limits it was a confusing question that both weakened and strengthen term limits. If one liked term limits they voted for it. It weakened it because it allowed for people to leave and then come back. He wished it had not been done that way because it was very confusing for the voters. It concerns him that Methuen is one of the few communities that still have term limits. He would not want Methuen to be the only community to prohibit constitutional rights to run for office. The ballot question was confusing and not indicative of what people wanted. He is not sure that the term limits currently are right.

Ms. Donovan suggested that we give it to the people make it clear and let them decide.

Mr. Vogler said that the term limit is the voter. We want to have a good Charter but also the voter needs to have the responsibility and that is what democracy is. He does not want to get into the issue of lifetime (term limits) because that is dealing with a citizens right to run for office. We should trust the voters to make the decision. It should be discussed relative to six or eight years but that is a different issue. Government works well when put in the hands of the voter. He sees this as taking away the rights and responsibilities of the voters. Eligibility requirements need to be changed (moving out of the district) to insert that after thirty days the seat becomes vacant in order to have a councilor represent the district they live in.

Ms Grondine asked that they incorporate these suggestions into sec 2-6 to make it clear regarding eligibility.

2-C Ms. Grondine would end the section to state “ending December 31<sup>st</sup>. No one should be allowed to carry over time into the New Year.

Mr. DiZoglio stated that was done in case of an emergency and they need to call a Council meeting. He is sure there is legislation that changed the status of the benefits for someone not elected.

Mr. Cronin stated that there is a letter from retirement and it states anyone making less than \$5,000 dollars a year is no longer eligible for state pension.

Ms Grondine would want it to affirm that the term ends December 31<sup>st</sup>.

Mr. DiZoglio asked that the city solicitor look into the issue.

Dorothy Kalil stated that as she spoke to people the majority are tired of Councilors and School Committee going from one office to the other back and forth. They want term limits back six years and done. The voters have spoken loud and clear, they want term limits.

Chairman Pappalardo said maybe they could approach the public and ask if they still support term limits. The President of the United States is limited by term limits (2 four year terms) this is something we will spend more time and discussion on.

Mr. Cronin noted that people have mentioned to him regarding District Councilors only, 3 district councilors and no councilors at large. He has also had people mention all councilors at large with no district councilors. He does not advocate either way.

Mr. Vogler reiterated the same comments with six (councilors) at large and one from each district totaling nine. This is an issue and should be discussed in depth. The keyword is lifetime that takes away the constitutional right of every citizen.

Mr. DiZoglio said that on important items such as term limits we could ask “are you in favor of term limits for city officials in Methuen. If in favor do you want lifetime bans yes or no”. The city sends out a census forms. We could insert a questionnaire and make it very simple and concise. If we get two or three thousand people to respond that would give us an indication as to whether people like it enough to continue or is there more non-support. This will give us direction.

Ms Donovan asked if this could go on the water bill it would not be a mailing and we could get a consensus at no cost the committee.

Mr. DiZoglio would want the census form because it would make it easier for people to respond.

Mr. Cronin suggested that along with the questionnaire they should ask about terms. Two three year or two four year terms and a lifetime ban or remain as it is presently. Should the Mayor be elected in an off year separate from the council or all at the same time?

Ms Grondine noted sec 2-2 organizational, needs to be clarified. The oldest member elected who shall preside. What does that mean? Years old or years served.

Mr. Vogler suggested the Chairman speak with the city clerk about the possibility of adding something to the census.

Chairman Pappalardo asked when they ask for a consensus of the voters it is non-binding given the Mayor or Council if they choose not to act what happens?

The consensus of the committee was that as a Charter Commission they would enact the rules.

Ms Kalil stated after (tonight’s) discussion at the next meeting the Commission would take a vote.

Mr. DiZoglio stated for clarification that any votes taken are preliminary votes (a draft) and the final vote would come at the end.

Chair Pappalardo asked who would go to the Solicitor and bring these suggestions forward to him?

The committee agreed to only go to the solicitor if it is a legal issue.

Chair Pappalardo noted they do not have a recording secretary.

Mr. DiZoglio said the only legal issue (tonight) is the pension benefits that accumulate beyond the New Year and if that was to be removed in the pension reform.

Mr. Vogler said they could ask Tom Kelly. He is Chair of the retirement board and would be up to date in those issues.

Ms Donovan said the oldest member is only there for a brief (few minutes) time until the Council elects the Chairman. They do not have any duties.

Ms Grondine was only looking for clarification.

(Reading) section 2-3 Compensation and Expenses:

Discussion: None

Exercise of Power Quorum Rules of Procedure. (read into the record)

Discussion:

Mr. DiZoglio suggested that the city accountant be an employee of the Mayor as opposed to the city council. Mr. DiZoglio stated as a former Mayor he relied heavily on the city

accountant. If the accountant is not re-appointed the mayor is at a disadvantage because the mayor would not have good institutional knowledge of what was going on. If Council were to take that person away it would adversely affect the mayor's ability to administer the office. Mr. DiZoglio would like to have this up for future discussion. Mr. Cronin said he does not agree. Most of the Council information comes from the Auditor. Without going through him we would have to go through the mayor's office and he could give or not give what he wants to give. The auditor along with the solicitor is very important to the Council for information they need. The Auditor and Solicitor are valuable assets to the City Council.

Ms Kalil said she would like to have the city auditor present and have more input at all negotiations with all departments he would be aware of money being discussed, cost and the direction the city is going, instead of him finding out after things have been done. He in turn can notify the council.

Mr. Vogler said he would leave it as is. He sees it as a check and balance concept. Council has confirmation powers the auditor is an independent agent and hopefully the mayor and Accountant work together if there are issues they would be brought to the Council.

Mr. DiZoglio agrees the Accountant should be involved in the process. One cannot negotiate without knowing what the numbers are. This may not be the right location for this. Later on there may be a better location to suggest that the Accountant must provide a financial impact. Mr. DiZoglio agrees with the concept and it may fall under contract approval to have the city Accountant give a financial impact (to Council) on contracts.

Ms. Kalil does not want the accountant to participate but for him to be there so he knows where they are heading and inform the Council. The Accountant should not negotiate or participate, just be there and aware of what is going on and where the figures are leading. Ms Grondine agreed with Ms Kalil and thinks it should be part of his contract. We could suggest this to City Council and let them add it to part of his job description.

Mr. Vogler said he thinks Council should have two standing committees, personnel and budgetary (finance). Some appointments should have an interview process. He is looking for direction as to where this would be put in the Charter.

Mr. Cronin said that would refer to a "town" because it would be infringing on the Mayor's responsibility. Two Councilors are bringing this forward for a standing finance committee who would come back and (only) make recommendations to Council.

Mr. Vogler said a "town" finance committee has more authority he is speaking of a standing committee. The budget is looked at by the budget committee and then goes to Council. The budget committee can make recommendations, hold a hearing and get information. Other towns have budget sub committees. We can look at this and pursue it.

Ms Grondine referenced Rules of Procedure page nine (sec 3-5). And suggested eliminating one paragraph and combine the two (they say the same thing). Insert that the Mayor or Council can call for a meeting.

Ms Kalil noted page five (City Solicitor). The former solicitor gave language for petitions. She would like to have this put in the Charter. It would be in the best interest of the public to make sure the wording is correct. She would want the Solicitor to make all wording for all petitions (referendums) correspond to the law, statute and/or City Charter.

Ms Grondine said it could be added on page five under City Solicitor and add a section at the end.

Mr. DiZoglio does not disagree with the concept, this should have some legal basis and the solicitor should give guidance. To have anyone come in and ask the solicitor to do this is unrealistic. The request should come from some sort of government (or council)

Ms Donovan agreed there should be language from the solicitor.

Mr. Cronin suggested the Solicitor draw up a “boiler plate” language to have on file with the wording be it petition and /or referendum.

Ms Grondine said if it has to go to Council the wording could state “council request” and the solicitor would have thirty days to reply.

Mr. Vogler noted page 17 free petition, referendum and recall. Page 18 states referrals to the city solicitor by the city clerk. He is not sure of the number but he feels the solicitor should look at it for the correct legal form. This should be dealt with when we get to petition recall and put firmer numbers in. It should be in legal form.

Measures and Emergency Measures- Charter Objections. Page 5 (read into the record)

Discussion

Mr. Vogler has a concern regarding “lame duck committees”. There is nothing in the charter that prohibits anyone from doing anything at the last minute at the last meeting of the year. He believes there should be something whether it is contract extensions or personnel appointments language to state that personnel appointments would have to wait till the following council is sworn in. Unless a contract is an emergency it would have to wait. There are no provisions to limit this. He is not sure of the wording but it will be a legal issue. Also under 211 what is the penalty, what happens? This needs to be looked at.

Ms Grondine asked for clarification on “emergency measures” the last paragraph stated a 2/3 vote of City Council. Does it mean the full council or the majority of who is there? Needs more clarification.

Mr. Cronin stated it is a 2/3 of the member’s present or full city council. He will check because it may involve a Roberts Rules issue that may override the charter.

Ms Kalil feels Council uses an emergency measure to eliminate a second vote. The wording needs to be firmed up and make it specific as to what the emergency is.

Regarding charter objection she would want to have wording put in that would encompass the school committee.

#### CORRESPONDENCE OR ANY OTHER BUSINESS FOR THE COMMITTEE

Marilyn Contraris will be attending the next Charter Meeting.

Mr. Jack Burke suggested that emails be posted on the web site. The consensus of the Commission was to post emails.

#### ADJOURN

MOTION BY: Ms. Donovan seconded by Ms. Kalil to adjourn.

UPON VOTE: UNANIMOUS

Meeting adjourned at 8:30 p.m.

Diane Lasonde  
Recorder

