

METHUEN CHARTER COMMISSION
GREAT HALL, SEARLES BUILDING
May 19, 2010, 2010 - 7:00 p.m.

Chairman Joseph Pappalardo called the meeting of the Methuen Charter Commission, scheduled for May 19, 2010 to order at 6:30 p.m. Members present: Maureen Donovan, John Cronin, Dennis DiZoglio, Patricia Uliano, Barbara Grondine, Dorothy Kalil, Robert Vogler, Kenneth Bourassa and Chairman Joseph Pappalardo

Pledge of Allegiance

ACCEPTANCE OF AGENDA

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

ACCEPTANCE OF MINUTES

Mr. Vogler noted that on page four he was not present for the vote and the minutes should reflect that he was not present. Page six votes do not reflect who was not present; page five should be amended because it does not indicate a vote taken. Mr. Vogler asked that the minutes be amended by the clerk to reflect those changes

MOTION BY: Mr. Vogler seconded by Ms. Grondine to waive the reading and accept the minutes May 13,2010 as amended.

UPON VOTE: (as amended) UNANIMOUS

TREASURE'S REPORT

Up-date - No Expenditures

PUBLIC PARTICIPATION None

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

Mr. Vogler stated he would like to clean up the back section of the Charter. There are amendments listed for over a period of years. He would want to make sure that the amendments are in the current Charter and strike out the last pages from the Charter. Since they are revising the Charter we should not have a charter with this appendix to it. It should be what the actual reality is.

Joseph Pappalardo read the memo (copy given to members) that went out to Solicitor McQuillan referencing that request.

Ken Bourassa asked that the committee first go through the basic updates that they all agree on before they get into specific changes that may be controversial.

Mr. Pappalardo said that Marilyn Freeman has notes from the previous meetings and will make copies and have them available at the next meeting.

Pat Uliano said that in the beginning as the committee was reading the Charter she made notes as to discussions and things to look at.

Mr. Pappalardo said that between Ms. Uliano's notes taken and what Marilyn Freeman has the committee can discuss those notes.

Dorothy Kalil said in addressing these changes are we going to be taking a first read and second read or do what Council does and take the second read at a later date for a (second) vote.

Mr. Vogler said he would like the second reading with a full group to vote.

Ms. Kalil said we cannot stop a call for a vote because someone cannot attend the meeting. We have a time limit that states the preliminary has to be done by a certain date. Once we get to what we are doing it has to go to the solicitor typed up and that is going to take months. We cannot wait the sixteen months and then rush to get this done.

Mr. Bourassa said he would be uncomfortable to have second votes right now. As we get further along with the public hearings we may have more input and that would help with making a decision and a second vote. We should not be making the final vote on things before the public hearings.

Mr. Pappalardo stated regardless of when the votes are taken or what the votes are, the public will have the final say as to whether they agree with what the commission puts forward.

Mr. Bourassa said we are supposed to go forward with public hearings for input.

Dennis DiZoglio responded that in order to have a second read vote we need language to react to. The first vote gives a conceptual direction to compare the language. He would not be comfortable taking a second vote until he sees the actual language.

Barbara Grondine said the final vote should be a meeting where all members are in attendance. She suggested that the dates be set so members can check their calendars in order to be at those meetings.

Mr. Pappalardo said that is going to be a problem (for the summer months). The process is to go through the initial changes, hold the second vote until the body can be all present. We have a deadline and the Solicitor needs time. Mr. Pappalardo asked the committee if they would want the solicitor present at the meetings when the second vote is taken?

The consensus of the committee was to have the Solicitor at the meetings (second vote) to guide them with language.

Ms. Uliano suggested that the Chairman bring the first read votes to the Solicitor and have him put those items in the form of a question, and we can address that at the next meeting. Ask him what his timeframe would be to put them in the form of a legal paragraph for the Charter. The committee can then have a second read on those first read votes at the next scheduled meeting and have him at those meetings for the second vote.

Jack Cronin, noted that we are going to do this and then have a public hearing get input from the people and present a final draft.

Ms. Kalil suggested that the clerks make a listing of all the first read votes taken and give those to the Solicitor for him to give the committee the correct language and then schedule a public hearing before the final vote.

Mr. Pappalardo said what is voted for first read can be condensed into one report and give it to the Solicitor to review and give the legalities for a second read.

Mr. Bourassa said he would prefer not to take the second vote until the committee has exhausted all of the legal obligations.

Mr. Pappalardo stated the second vote would be taken when everyone can be in attendance. He will insist that everything be put together for the first vote, have public

hearings, if there are changes to make, insert them for the second vote. We need to get this moving because we have already been here six months and he would like to get this done in the next ten months. His main concern is to go through with the first reads.

The Chairman asked for the committee to look at the Lynn and Beverly Charters, note corrections to make for the Methuen Charter. We can discuss those items. It is the Commission who will vote yes or no to the language.

Mr. Cronin asked if these meetings are considered “workshops” or (regular) meetings?

Mr. Pappalardo responded that they have been posted as workshops.

Mr. Cronin stated that votes cannot be taken at a workshop only at a regular meeting.

Votes taken at a workshop has to be restated at a regular meeting and voted for a first read.

Mr. Pappalardo stated in the future the meetings would be posted as regular meetings not workshops.

Mr. Vogler asked for some meetings dates. June 2 and 16 are not good for him and Ms Grondine because of school committee commitments.

The Chairman suggested June 1st and 23rd.

Methuen City Charter: Discussion

Ms Uliano referenced:

1. Section 2-1 Elections and Term. Unanimous decision was to leave this section as it stands.

Paragraph B Eligibility to serve out of district. Section 2-6 Filling of Vacancies. Ms Uliano thinks this answers the section B.

Ms Grondine reads it to state the person stays in that position although moving out of the district, until the next election.

Mr. Vogler said that they should strike out the last sentence in 2B to eliminate the concept of moving from the east to the west and being able to serve in the east.

Ms Grondine said there needs to be something to address the issue.

Ms Kalil suggested striking the first sentence to read residents of the district rather than the “city” is eligible to hold office of councilor.

Ms Uliano noted they are talking eligibility versus vacancy. These are two different issues.

Ms Kalil said change the word from city to district.

Mr. Cronin stated it has to be clarified to acknowledge that a Councilor at Large would remain a Councilor at Large.

Ms Uliano said with the exception of at large councilors.

Mr. Vogler said if it is kept as is there would be no vacancy because the councilor does not have to give up his position. If we change it to “their district” and qualify that it does not affect councilors at large. If someone moved out of his or her district there would be a vacancy. The Solicitor would have to make that determination.

Mr. Cronin said that section 2-6 would cover the vacancy issue.

Ms Kalil asked how could a councilor represent a district when living in another district?

***It was decided that the Solicitor would review this section and get back to the committee.**

*Section C

Election and Term:

Ms Uliano referenced the last sentence “non consecutive terms”.

Ms Kalil stated if the committee adds in “non consecutive terms” we go back to lifetime term limits that was eliminated back in 1999.

Mr. Cronin noted that he had discussions (during first read) with Mr. DiZoglio considering a change to two 4-year terms. Mr. Cronin feels that issue deserves further discussion. .

***It was decided there would be further discussion at a later date.**

Section 2-2

Organization

Delete the word “oldest” and insert “by age”

Page 3 insert “no other compensation or anything of value will be allowed”.

Page 4 Section 2-7

Quorum what does a quorum constitute? Is it present or elected?

Mr. Vogler responded that according to Robert’s Rules it is a majority of the members of the body. If there were a seven-member board a quorum would constitute four people present. Nine members there would have to be five present. The Solicitor had defined for the school committee, if there were six people it is a majority of the people present to vote and carry an issue. In that situation they would need four votes, which would be a majority of the committee.

Ms Uliano suggested that this be clarified with a number not a majority or who shows up but who is actually sitting present.

Ms Kalil noted certain things in other Charters mentioning “full seated council”. i.e. zoning requires nine people have to be present.. The committee needs to clarify that language.

Mr. Cronin stated a quorum is a quorum. If there is a majority of the people elected to that board present, that is a quorum. The issue is changing to what the vote means. The super majority is a $\frac{3}{4}$ vote of the people present. If there are six people present, five votes are needed to get something passed for a super majority. A meeting cannot start if there is less than a quorum, which would be five of nine councilors.

The consensus was to check with the Solicitor on this issue.

Mr. Pappalardo referred back to Section 2-5 Prohibition. It was discussed at the last meeting of an extension of this for two years and the majority voted in the affirmative to extend the two years.

Ms Uliano referenced under section 2-7 Rules of Procedure. Combine Special Rules and Rules of Procedure.

This was determined to be one of the long discussion issues and to hold off for further discussion.

Mr. DiZoglio did not agree with combining the two because they are two different entities. One being any three members of Council requesting a special meeting and the other is the Mayor requesting a special meeting.

It was decided to keep those as they stand

Section 2-8 Council Staff

Discussion: **City Accountant Employee of the Council - will stay the same.**

Standing Committees structure/ concept of sub committees.

There will be two standing committees within the council to address the issues. This would put the onus on the Council to actively participate in making decisions.

Mr. DiZoglio said there should be some feeling from the Council to see if they are willing to have committees. It has not worked in the past. What good would it do to have committees only to have it go back to council for debate over again? The Council would want to use the structure of the committee to vet out the issues. They need feedback from the Council to do this if it were in the Charter.

Chairman Pappalardo stated that if there is to be any substance to an “ad hoc committee” it should be written into the Charter. The Personnel and Finance Committee’s should be written into the Charter. Take some of the language from the Beverly or Lynn Charter’s and incorporate them into the Methuen Charter.

Mr. Cronin asked what does the Chairman mean by saying “giving substance”. A committee would have to report back to Council but it should not be the intent of the committee (if put in the Charter) to make decisions on behalf of the Council. Mr. Cronin would not support that if that were the intent.

Ms Grondine referenced the City of Gloucester Charter relative to standing committees (read).

Mr. Pappalardo referenced the City of Lawrence Charter relative to standing committees (read).

Mr. Pappalardo noted that the Solicitor had mentioned to Councilors Lahey and Pappalardo that they could incorporate Personnel and Finance Committees (wording) into the Methuen Charter.

Mr. Bourassa is asking why would the Solicitor make that statement, City Council has that authority. What was his reason?

Mr. DiZoglio questioned the need to do this.

Mr. Bourassa questions the sensitive information gathered and legally cannot be put forward into a public forum. If Council starts to micro manage this type of thing scares him. He would prefer to have a city councilor sit in on interviews. He does not agree with putting this in the Charter because who would then have the authority.

Councilor Jeanne Pappalardo (approached) questioned what authority would the personnel committee have if they do not do this. They would have to bring it back to Council with a recommendation they feel is the right thing. Council could then vote it yes or no.

Mr. DiZoglio noted that at a previous council meeting it was brought forward that Council approve all appointments and it failed. The issue would need a quorum privy to sensitive information that is legally questionable.

Councilor Jeanne Pappalardo looked at the Lawrence Charter suggested it to the Solicitor and he said if it was in the Methuen Charter “no problem”.

Mr. Pappalardo said to add this would be up to the Committee. Mr. Pappalardo stated that he would bring this issue up when the time is right (for vote).

Ms Uliano stated it would follow as item D and change Salaries to (item) E.

Discussion: City Solicitor

Ms Kalil asked that the city solicitor present for the municipality the wording for all petitions that a citizen may want. Referendum and the initiative measure prior to going out into the street.

Mr. DiZoglio noted there are nine councilors to go to and that one out of the nine should be able to request that.

Mr. Cronin noted there could be an instance where the solicitor may refuse because of a potential lawsuit against the town. It depends on what is brought before him. He would have to make sure the city is absolved from any legal action.

Ms Kalil is only asking for the correct wording on a petition or measure. If there is a petition with three hundred signatures, the solicitor has the last say and if the wording is not correct he can throw it out. She wants to protect any citizen doing a petition to do it legally; it should be stated in the charter that this could be done.

The committee decided this would be inserted in the Charter. **At the request of a City Councilor the Solicitor Provide the wording on any free petition, initiative measure and referendum before it goes out.**

Mr. Vogler left the meeting

Section 2-9 Emergency Measure

Discussion:

What is considered an emergency measure (clarification)

Mr. Cronin noted it is a 2/3 of those presently voting.

Ms Uliano asked when does the “lame duck” kick in? Is it a State or Constitutional law that states we cannot take a vote within a certain amount of time if leaving office? Ms Uliano understood the committee would add that to the Charter.

Mr. Cronin said that as an elected official the term ends when the term ends, up until that time it is his/her duty to vote (until the last day) and until the new council comes in.

Discussion ensued relative to “lame duck”. It was decided to ask the solicitor to clarify the “lame duck issue relative to the Mayor and the City Council

MOTION BY: Mr. Bourassa seconded by Ms Kalil to adjourn

UPON VOTE: UNANIMOUS

Next Meeting will be June 1,2010 at 6:30 pm.

Diane Lasonde
Recorder

