

**METHUEN CHARTER COMMISSION
GREAT HALL, SEARLES BUILDING
June 1, 2010 – 6:30 p.m.**

Chairman Joseph Pappalardo called the meeting of the Methuen Charter Commission, scheduled for June 1, 2010 to order at 6:30 p.m. with seven members present. Mr. DiZoglio, Ms Grondine was absent. Record reflects that committee members Pat Uliano and Kenneth Bourassa arrived late.

Pledge of Allegiance

PUBLIC PARTICIPATION (taken out of order)

Mayor Manzi, 66 Woodburn Drive approached the committee.

Mayor Manzi stated the one item that needs to be looked at is the mayoral term. It is his belief that a 4-year term (for mayor) is a better vehicle for the city. A 4-year term does not impose a political equation a year after election and allows the mayor to follow through on things to the end (of the term). His one recommendation would be for the Charter Commission to consider the item. As a city councilor he always agreed that the city auditor and city solicitor should work under the city council. As mayor his position changed. He believes the city solicitor and auditor should work for the executive branch. Methuen's situation has continued to work (today) there are no difficulties to point to, it has worked for the last twenty-five years and will probably work for the next twenty-five years. Those are the two things he would bring to the table for consideration. He is willing to talk on anything beyond that including finance. Mayor Manzi opened the forum up to questions from the commission.

Ms. Donovan asked if he would consider two three-year terms.

Mayor Manzi said anything more than two is an improvement. The three-year term is not as objectionable because it is three instead of four. There may be logistical objections because we lap over into the state election cycle.

Ms. Kalil asked if there were two three terms would there be a way to have a separate ballot during the state election?

Mayor Manzi said there have been state elections cycles on (separate) local ballot questions. As he understands it the state frowns on it. If it were on a perpetual cycle, a major election as opposed to a local ballot question (a one time only) the state would not be in favor of that. He does not speak for the state but that is the sense he gets that they would not like to do that.

Ms. Kalil suggested that the question go on the ballot.

Mayor Manzi would suggest based on logistics it should be put on as four-year terms. If there were a way to deal with the logistic issue he would support any improvement over the two-year. Four would be fine. We do not see three anywhere else in the Commonwealth because of the logistical issue involved.

Mr. Cronin said this was presented for the Mayoral position and asked would this apply to city council, school committee and the rest.

Mayor Manzi responded in looking at the question his personal view is that a four-year term for city council does not work. For the legislative body the two-year cycle is appropriate. He believes at the municipal city council level term limits are not

appropriate. The big drive (philosophically) on term limits (agree or not) certain offices have an ability through incumbencies to freeze out any realistic chance of having someone run that is not an incumbent. That speaks to the ability to raise money. Whether it is at the state level, federal level the incumbent has the ability to raise funds the challenger may not be able to raise. At the city council level the city councilors do not raise or spend a lot of money. The underpinnings of term limits financially do not exist for city council, there is no advantage and all are on an equal playing field with a challenger. To look at the group of people who have run and lost in Methuen as incumbents is reflected in the outcome at the ballot. It would be his preference that you leave in place term limits for the mayor of two four-year terms. That you simply lift the term limit for city council but leave the term at two and not impose any limit on them, there is no reason to, if the public does not want them they can vote them out. The same rational goes for the school committee. Philosophically he does not believe in term limits but as a compromise leave the mayor as term limits, change it to two four years and (based on what he said) lift the limit for both committees for school and city council. Mr. Cronin asked would it be a final two terms limit (for mayor) or is it off for one term and then run again?

Mayor Manzi said if it were two full four years either way would be acceptable.

Mr. Cronin asked is this is a proposal the Mayor is asking for as part of the Charter revisions and does the Mayor want this on the November ballot?

Mayor Manzi said it would depend on what the Commission will do. It is his opinion the decision would come out from the Commission, that is something for the Commission to decide.

Chairman Pappalardo stated that (with all do respect) his opinion is that the (current) City Council and Mayor should not take part in putting this question forward in November. The Mayor has done his terms. If the commission should go along with the two four year terms it should exclude present elected officials.

Mayor Manzi stated he would have to speak with the city council and think about it more. He is not saying he would be against that, the improvement of the two four year terms is what he is advocating, it is worthwhile regardless of when or who is eligible. This should happen regardless of who the Mayor is or who the city council is.

Mr. Cronin suggested they review this with the city solicitor. We cannot exclude a city council or Mayor from running for office. We need a legal explanation.

Mayor Manzi said the exclusion issue is something he would like to think about.

Whatever the position they should consider this. He believes the two four years is a better system.

Chairman Pappalardo (respectfully) disagrees with the Mayor. There have been councilors serving more than ten/twelve years.

Mayor Manzi responded that on both school and city council sides there are members who have served long periods of time. That is not the issue. The issue is the public's right to elect. Philosophically people look at this in numbers. The Federal government re-elect rate is 96/97 %. In Methuen there are some people who are long serving because the public has elected them. Methuen has shown through history that officials the public is upset with over an issue or position the public did not like, were voted out of office at the city council level. That is the public's will, that is democracy in action.

Robert Vogler said exclusionary rules are dangerous. There are elections every two years. That is what this country is built upon. If we trust the voter then you must trust how the voter votes. If you do not trust the voter then you put exclusionary rules in. The people have the right to kick out the incumbents if they choose to.

Dorothy Kalil stated there was a ballot question several years ago and that passed by a 3-1 vote. The people in this community want term limits. Ninety per cent is name recognition.

Mayor Manzi responded that on the issue of local term limits it did pass. He does not share the view on local voters, more people have more of an understanding but it is up to the voter, let the voter select. Everything that would be proposed would need to be balloted. If the public felt that any proposed change was no good they would vote it down. One election does not govern for the entire period of time. Views change and give the voters the opportunity.

Dorothy Kalil feels the voters would vote again for term limits but she is not willing to change her stand on that issue. She is willing to put it on the ballot.

Mayor Manzi requested that the issue be put on the ballot. He is not asking for changes without putting it on the ballot. If the two (Mayoral and City Council) were put on the ballot he believes it would pass.

Maureen Donovan stated she does not have a problem with putting this issue on the ballot. We all have a personal opinion but we do not have the right to speak for the town of Methuen. Give it to the people. The people voted it (term limits) in. Give it to the people to decide.

Kenneth Bourassa stated the vote back then was for a Mayor or Town Manager. If it was a vote for Mayor it was a vote for term limits. It was a flawed question on that ballot. Incumbents have been voted out. We want people with the experience. We should want people with seniority and experience.

Mayor Manzi said one thing for the Commission to think about is the way the system works at the state and local level. First time elected office holders will in most instances rely on staff. Staff and bureaucracy will acquire power. Newer people come into a situation and rely on staff that has been there for years therefore empowering bureaucracy. When there are office holders who have the experience it is more difficult for staff to act like the elected officials.

Dorothy Kalil said if that were the case no one would be elected to office because at some point and time we were all new elected officials.

Discussion ensued relative to newly elected officials versus more experienced incumbents.

Pat Uliano asked at what point did Councilor Manzi (at the time) change term limits that made the second question (on ballot at that time) less effective.

Mayor Manzi said the first question led to the change from Manager to Mayor and as a result of the political group who gathered signatures to pose a series of changes on the ballot. Life time term limits were part of that original charter change (Manager to Mayor) one ballot question, a yes vote gave the lifetime term limit three two terms and out for life (1992/1993). (did not include the school committee)

Discussion ensued regarding the history of the change in term limits (1992/ 1993 to 1999).

Chairman Pappalardo thanked the Mayor for his comments. The commission will deliberate on which direction they will go. It is the opinion of the chairman that there be an exclusion of the current elected officials. (Mayor, City Council, School Committee) Mayor Manzi stated he would consider that option.

MOTION BY: D. Kalil seconded by P. Uliano to close Public Participation
UPON VOTE: UNANIMOUS

ACCEPTANCE OF AGENDA

MOTION BY: John Cronin seconded by Pat Uliano to accept the agenda.
UPON VOTE: UNANIMOUS

ACCEPTANCE OF MINUTES

MOTION BY: Dorothy. Kalil seconded by Maureen. Donovan to waive the reading and accept the minutes of May 13,2010 as amended and May 19,2010
UPON VOTE: UNANIMOUS

TREASURE'S REPORT (up-date) \$4, 770.65(balance) - No Change

**Discussion (And / or Vote) Individual Page Review of Present Home Rule Charter.
Voting on any Proposed Changes.**

The votes taken at the May 13th meeting were invalid because it was posted as a workshop and not a regular meeting. The Solicitor did confirm that votes couldn't be taken at workshop meetings.

Votes Ratified

1st Vote

**MOTION BY: (to ratify) (first read) D. Kalil to ratify seconded by M. Donovan: To follow the same guidelines as the City Council, first and second read policy
UPON VOTE: UNANIMOUS**

2nd Vote

MOTION BY: (first read)(to ratify) J. Cronin seconded by M. Donovan to state "Any elected official shall not hold any compensated appointed city office or city employment during his term and until two years following the expiration of the term

UPON ROLL CALL: 5- yes 2- no (Vogler, Bourassa)

There was brief discussion relative to including other elected officials or boards.

3rd Vote

MOTION BY: (first read) D. Kalil seconded by J. Cronin to ratify and amend Section 3.3- Mayoral appointment to state, "that the City Council shall confirm all appointments made by the mayor" (like Council used to do, including seasonal, employees, laborers, patrolmen, etc.)

UPON VOTE: 6- yes 1-no (Vogler)

Mr. Cronin requested that the City Solicitor establish the wording to the proposed changes.

4th Vote

MOTION BY: D.Kalil seconded by R. Vogler to ratify Section 3-11- Management/ Performance Audits as stated in the Lynn Charter and read by Chairman Pappalardo and to include the Solicitor’s recommendation for financing.

Mr. Cronin stated that the cost of such audits should reflect the language from the solicitor and should be included with the amended version.

The language was read into the record as part of the amended motion.

MOTION BY: (amendment to include language) J. Cronin seconded by P. Uliano to include language into the original motion.

“Upon submission of the annual budget by the Mayor pursuant to the provisions of Mass general Law Section 44- 32. Sufficient monies shall be incorporated therein to accommodate the cost of any and all orders for the purposes contained herein.

UPON VOTE: UNANIMOUS (amendment)

MOTION BY: (main motion as amended) D.Kalil seconded by J. Cronin to adopt

UPON VOTE: UNANIMOUS

Discussion:

Legislative Branch section 2-1 paragraph (c) the election and term limits.

Chairman Pappalardo suggested this item is an important issue and he would want to wait until the absent commissioners are present. Members discussed “term limits” pros and cons.

The opinion of the committee was to vote this for a first read tonight and then have a second read.

5th Vote

MOTION BY: (first read) D. Kalil seconded by P. Uliano (to ratify) to add additional language as part of the sentence “ or non consecutive terms” in paragraph c) and to include the Mayor and School Committee

MOTION BY: (to ratify) J. Cronin seconded by M. Kalil to amend the original motion to include “All Elected Officials ” “ the term of office for all elected officials (currently under term limits now) in the city shall be for two years beginning on the first secular day in January after their election and until their successors are qualified. No person shall hold office of any elected branch for more than three consecutive terms or non-consecutive terms

UPON VOTE: 5-Yes 2-No (Vogler Bourassa)

6th Vote

R. Vogler suggested the position of City Accountant ought to read that he/she should hold a CPA and/or the education and experience equivalent to a CPA.

MOTION BY: R. Vogler seconded by J. Cronin that the position of City Auditor should hold a five-year experience and/or a degree in accounting with a master’s degree.

UPON VOTE: 6-yes 1-no (Kalil)

Chairman Pappalardo stated he would want language inserted into the City Charter to state that the City Charter would automatically be reviewed in any year ending in 9 (or any number the committee chooses). That the review process (9 member committee) be elected with funding provided by the city.

7th Vote

MOTION BY: R. Vogler, seconded by M. Donovan to state from the effective date of this Charter and every ten years forward there will be a Charter Review Committee made up of nine elected citizens at large and the funding shall be provided by state law.

D. Kalil stated the question should go on the ballot.

R. Vogler said that would be implicit within the Home Rule. This may need to be tweaked to conform to a Home Rule.

R. Vogler suggested that for the next meeting the committee get the correct wording from the Solicitor.

UPON VOTE: UNANIMOUS

ANY OTHER BUSINESS FOR THE COMMITTEE

Next Charter Meeting is July 7, 2010 at 6:30 pm.

ADJOURN

MOTION BY: D. Kalil seconded by J. Cronin to adjourn.

UPON VOTE: UNANIMOUS

Diane Lasonde/Public Recorder