

CITY OF BEVERLY

PUBLIC MEETING MINUTES

CITY OF BEVERLY  
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2021 APR 30 A 10:32

Committee: Charter Review Committee  
DATE: March 31, 2021  
LOCATION: Virtual Meeting  
BOARD MEMBERS PRESENT: Stacy Ames, Hannah Bowen, Julie DeSilva, Richard Dinkin,  
Timothy Flaherty, Paul Guanci, Michael Pinciario  
BOARD MEMBERS ABSENT:  
RECORDER: Sharlyne Woodbury  
Others present: Rachael Abell, President of the School Committee; Michael  
~~Cahill, Mayor~~

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City Council Appointee(s): Chairperson and City Councilor-at-Large Timothy Flaherty; Ward Councilor  
Stacy Ames

Mayoral Appointee(s): Paul Guanci, City Council President-at-large

By Ordinance:

Ex Officio: Gerard Perry

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This meeting is held in accordance to special meeting format as required to honor Governor Baker's  
State of Emergency declared due to the national crisis of COVID-19.

Chair Flaherty calls the meeting to order at 7:00 p.m.

1. **Approval of Minutes**

Ames moves to approve the March 24, 2021 minutes as presented. Bowen Seconds. The motion carries  
7-0.

2. **Discussion: School Committee President, Rachael Abell**

Abell prepared presentation for the committee. Items discussed are term changes; a smaller quorum for  
the 7-member board; reviews Beverly MASC membership; how the MA general law differs from the  
Charter language in its efficacy in promoting effective school leadership and student achievement; and  
city/school budget.

Abell proposes a two-year term change to four-year term. Should consider staggering odd and even  
wards to rule out the political nature of the position. Currently it's a burden on the superintendent,  
staff, and committee members to train new members every two years. Longer or staggered terms would  
allow for effective government, and help acclimate new members.

Addressing the quorum, Abell believes the 7-member board is efficient, but creates a lot of burden on  
the committee and subcommittees. Open meeting law in constraining for limited members, creates a  
heavy burden on the current members. Abell suggests decreasing the quorum requirement from 4 of 7  
committee members, and 2 of 3 for subcommittees.

Moving on Abell explains the Beverly MASC membership. The Association focuses more on MA general  
law and what applies to most districts. Abell notes the Charter requirements for budgeting, hiring of

superintendent, creating policies, and control over the school grounds. These are areas where the school committee feels stifled in its purview and influence.

Abell offers comments for the review committee to look at the Charter language in each instance of general law in the Charter. In each instance where does the language refer and relate to; the Charter home rule verbiage, MA law or federal law. Abell opines the nebulousness caused by the Charter law or the MA law does not permit for effective government. Abell comments, a budget serves as a moral document that tells our community what we prioritize; The Charter functions the same. Abell further comments, siting from MA general law where capital expenditures are part of the school committee purview comparing to the Charter language that removes the authority from the School Committee. The School Committee would like more control over the school budget.

Members weigh in with thoughts and comments.

Dinkin begins by going over the differences between the home rule Charter law and to the MA general law. Dinkin and Abell discuss the school committee and their roles in reviewing the budget and expenditures. They deliberate the pros and cons of increasing school committee membership as the needs of the school committee have grown with their roles and responsibilities. Dinkin addresses the design behind 2-year terms. Explains the short-term justification is to keep the legislative close to the constituent. Abell believes everywhere the members go they are connected to the community via other outlets and community gatherings. Abell also believes school committee members should be elected not appointed.

Bowen asks questions. Acknowledges the difficulty of finding current minutes. Suggests making the minutes easier to find. Bowen provides context and summary of what the Charter Review currently discussed to date. Bowen seeks opinions for bringing at large seats back, but also inquires if there is another component within the Charter to review they could improve upon. Abell understands it would be an additional burden on the superintendent to have increased committee members. However; the justification are the work of the body is very important, current technology makes it more participatory, and currently there is a renewed interest in local government. Ward representation ensures they're hearing from the wards, but not the variety of perspective within each ward.

Bowen asks if the process is as intended; does it empower the council and school committee sufficiently. Abell speaks to the frustrations of the most recent budget discussions. Flaherty weighs in with comments. He believes the Charter is one of the better constructed charters of the state. Found it interesting to hear counterpoint. Abell also focuses on the law and its official reference within the Charter, specifically capitalization of "G" and "L". Abell believes the interpretation between local, state and federal law distinction within the Charter is crucial.

Flaherty returns to the at-large positions and provides brief history on why the at-large school committee members were taken away. Flaherty also reviews the school budget, acknowledges the difficulty in balancing the budget needs and frustrations. DeSilva speaks to the issues of getting people to run and campaign work details with petitions and signatures. Agrees with Ames that a 4-year term might be daunting since the current pay and work may discourage future participation. DeSilva agrees to the addition of at-large positions and she supports assistance on reducing the quorum burden on the committee and subcommittees.

There being no further comments or discussion. No further action required at this time.

### 3. Discussion: Mayor Michael Cahill

Mayor Cahill begins by asking the committee if they have any specific areas to address for the Charter. DeSilva would like his thoughts on term lengths for all the positions. Mayor Cahill has not served in a 4-year capacity and believes they both types of terms can work. He notes that most cities have not moved from 4-year to 2-year terms. Dinkin asks the mayor for his thoughts on the recall process. Responding Mayor Cahill does not believe the recall process should be easy, and encourages the committee to let the voters make the decisions at the ballot box. Cautions about unpopular decisions and the political winds. Mayor Cahill supports the Charter and trusts in the Charter process for removing an incompetent mayor. Believes if the individual demonstrates incompetency, those measures of activism will not be difficult to attain to remove the person. Mayor Cahill is not in favor of term limits. For example, some people have been "termed out" where these elected officials are just hitting their stride. Mayor Cahill strongly believes the people will vote out incompetent elected officials.

Pinciario asks Mayor Cahill are there any functional changes he would like to see amended, or any other areas in the Charter he would specifically like to address. The Mayor does not have any specific changes to see. He believes the Charter has a healthy dynamic within the division of responsibilities and roles of the executive and legislative. The structure is well thought out. Urges the committee to stay the course. Bowen has questions about the roles described as balance of power. She asks the mayor for his thoughts about the budget analyst, the audit function, and access to legal opinions for the city council when there are questions about how the administration is interpreting the Charter.

Cahill believes the city executive and the department heads all jointly work for the city. Mayor Cahill discusses the collaborative effect of the budget analyst and the audit functions; the frequency of the audit; does not disagree with rotating the audit firm; the relationship and role between the budget analyst and executive office. He takes care to point out none of the department heads work for the mayor. The Charter provision for the budget analyst is critical. It's a great structure and the Charter is strong in its intent and the watchdog capability.

Bowen brings up the hiring and firing capabilities of the executive branch discussing Article 5. Bowen suggests higher levels of transparency wondering if anything found in that section that is a constraint or no is longer needed. The Mayor does not have any specifics to the question and inquires if the other members have collective thoughts about the question. Flaherty does not believe there are major changes necessary for Section 5. Guanci weighs in and mentions it might be nice for the City Council to have access to a legal opinion when counteracting the executive branch. Guanci believes Article 5 does not need to be changed drastically. Guanci provides an example of a few instances where he believes the city solicitor interpreted the Charter incorrectly; for those instances the city solicitor mentioned certain department heads are under the executive branch. Mayor Cahill comments on the transition point and retaining department heads. Speaks highly to the current appointees and their dedication, talent and commitment.

Bowen asks additional questions of the budget process and the timing of the process. Bowen seeks additional information on the period of time where the council has to act on the mayor's proposal; how the timeline plays out in reality; and the perimeters influencing the timeline. Mayor Cahill assures the committee they are checking on the timeliness of the budget and the budget process throughout the course of the year.

Ames has questions about the audit and who hires the auditor specifically; the Charter as written appears the responsibility belongs to the city council. Ames does not believe the Charter reconciles the functions. The Mayor will defer answering as he does not believe he is the appropriate person and has not reviewed that section of the Charter in depth. Ames also asks who determines the numbers for the school committee budget. The mayor reviews the individuals involved in the process and the process itself. He acknowledges the current needs outpace the monetary ability to provide for all needs. Mayor Cahill does address past historical events that still effect the city's budget and current city needs. Looking back to the early 2000's recession and the Great Recession. Municipalities did not receive much of state aid and had to rely more on their own reserves. Municipalities have not fully recovered from those recessions. The state aid that is available only increases nominally still leaving cities with hard budget decisions to make.

Perry gave some clarification on the budget process. He explains the budgets funneling through the mayor's office, the legal responsibility of the chief executive of the city (mayor or town manager) via Proposition 2.5; the chief executive has to balance the budget. It is an absolute requirement. Budgets must be balanced in order to set the tax rate. Perry believes the mayor's been generous to the school budget. The issue is that the mayor legally has to funnel the responsibility. The Charter cannot circumvent statutory requirements of setting taxes. Ames believes it feels as if the dollar amount is mandated from the top down and must be worked with; as opposed to, focusing on priorities and getting to the dollar amount as a collaborative community. Perry explains the fiscal autonomy. Cahill emphasizes he does not "give" the school committee or other departments funding. It is defined by priorities and needs. He explains other needs have to be met with city resources when state funding falls short. Abell clarifies a few comments made earlier in reference to the budget. Discusses the new growth, fixed costs, and other components of the budget that are contractually obligated and required by law. Dinkin inquires if any departments transfer budgets from one to another internally. Perry confirms the departments can internally transfer with majority vote approval by the City Council. The department heads must balance their budgets. Bowen asks what makes the school department budget process different as opposed to the other departments, and seeks clarification for the balance of roles and responsibilities. Cahill reaffirms they try as best as they can to seek balance with the school committee budget process.

There being no further comments or discussion. No further action required at this time.

#### **4. Meeting Schedule:**

The Committee suggests a public hearing April 15, 2021 at 7 p.m. Perry will coordinate with the City Clerk, Lisa Kent. Members inquire if there will be a draft for the public hearing. Members also request an introductory explanation informing the public of the selection process and appointment to the Charter Review Committee. Guanci and Flaherty review the public hearing procedures with the members.

Guanci informed Flaherty, the Charter Review proposals and recommendations are on the April 5, 2021 City Council agenda for review and discussion.

There being no further comments or discussion.

Dinkin moves to set the public hearing date for April 15, 2021 at 7 p.m. Ames seconds. The motion carries 7-0.

#### **5. New/Old Business**

None at this time.

6. **Adjournment**

Dinkin moves to adjourn. Pinciario seconds. The motion carries 7-0.  
Meeting adjourned at 9:12 p.m.

Public Hearing scheduled April 15, 2021 at 7 p.m.

Tentative Charter Review meeting April 21, 2021 at 7 p.m.