

CITY OF BEVERLY

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2021 MAY 14 A 10: 23

PUBLIC MEETING MINUTES

Committee: Charter Review Committee  
DATE: April 29, 2021  
LOCATION: Virtual Meeting  
BOARD MEMBERS PRESENT: Stacy Ames, Hannah Bowen, Richard Dinkin, Timothy Flaherty,  
Michael Pinciario, Lisa Kent  
BOARD MEMBERS ABSENT: Paul Guanci, Julie DeSilva  
RECORDER: Sharlyne Woodbury

~~Others present: Libby Corbo, Marilyn Contreas, Stephen McGoldrick~~

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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1. **Opening Remarks**

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 7:02 p.m. Both Flaherty and Perry welcome consultants from the Collins Centers. Introductions and background information are brief. Flaherty outlines the meeting's agenda to keep time and schedule for the volume of work to review and discuss.

Members address the public posting and availability of meeting minutes and agendas to the city website. Accessibility has been an issue. Bowen went to IT for establishing minutes and recordings published publicly. Provides an update on how they will be uploaded to the city website for convenience and links to prior year charter minutes. Members steadfastly agree to an open and transparent review process.

Bowen moves to attach additional pertinent emails or communications to future minutes. Pinciario seconds. The motions carries 5-0.

2. **Review and approval of prior meeting minutes**

a. **Approval of March 31, 2021 minutes**

Bowen moves to approve minutes for March 31, 2020. Pinciario seconds. The motion carries 5-0.

b. **Approval of April 15, 2021 minutes**

Bowen moves to approve minutes for April 15, 2020. Pinciario seconds. The motion carries 5-0.

3. **General Discussion: Assessment of prior meetings and information**

Bowen suggests for the members different ways to organize and present the charter review information and conclusions. Bowen asks could they as a committee decide on formatting: a list; an org chart, or an

outline. From there the format is based on categories or articles on the main topics of discussion during next meetings. The list would define the options and implications to each point. Bowen suggests discussing alternatives and including summaries for each point. Next, Bowen prefers to see clarity as they review the topics differentiating between changes that require process and procedure versus changes not so formal, such as a change in language. Bowen asks for guidance on language updates to maintain best practices. Pinciario weighs in and agrees the language should be modernized citing examples in the Charter. Today's methods of communication are mostly some type of electronic format and the Charter should reflect modern language nomenclature as well as gender reference updates. Lastly, Bowen would like from the Collins Center their thoughts and assistance with what a final report construct should look like, the contents, organization, and scope of project. Flaherty agrees with Bowen and offers his perspective from the original Charter Review 25 years ago. Flaherty encourages members to focus on the important changes and to not get encumbered with the process. Ames offers comments agreeing with Bowen's suggestions for an organized review chart moving forward. Ames seeks clarifications for which branch of government owns particular functions citing the audit function as an example. Per the Charter, Ames believes certain functions are very clear in the language of who owns it, however; in recent times feels the legalities of the functions have been misinterpreted by the executive branch and some city solicitors.

a. **Discussion: Collins Center Input**

Stephen McGoldrick formally introduces his colleagues Libby Corbo and Marilyn Contreas. Corbo and Contreas provide their background and areas of expertise. Both consultants have extensive background in law, charter review, public records issues, plus federal and municipal government.

Flaherty asks members to collect their thought and ask questions per topic maintaining order and organization. Dinkin begins by asking what the Collins Center prerogative for mayoral terms increasing from 2-year to 4-year terms. Many committee members feel the efficacy and efficiency of the executive branch would be more potent with an increase to a 4-year term as opposed to the current 2-year term. Members are concerned with the constant campaigning and its effect on the executive function to process an agenda fully in 2 years.

McGoldrick comments. They reviewed this by article in the same fashion as the committee. The trend over the last 40 years for MA municipalities is to convert from 2-year to 4-year terms. The whole of the position is complex. The best analogy McGoldrick has for the committee is as follows. Loosely stated, it is said in the first year a mayor learns to be governor, the second and third years seek to accomplish agenda items, and the fourth year is campaigning. With a 2-year term, the municipality and voters, lose out on the productive second and third years. McGoldrick has seen an increase of communities preferring 4-year to 2-year terms. McGoldrick also discusses the terms for school committee and city council members in comparison. To his recollection, there are only 3 municipalities where school committee are 4-year terms; Greenfield, Palmer and Winthrop.

McGoldrick and the consultants focus on procedural changes and what that entails for the committee. If the committee wanted to recommend a change in mayoral terms, the voters would have to approve the mayoral term increase. Bowen asks for clarification between the elected charter commission and charter review recommendations. The members are still unclear on the procedural necessities to impact and affect Charter changes within their purview. Dinkin asks for a set of recommendations to include for

a Charter review focus should be and list of what's in the committee purview to put into effect. It would be helpful for the committee to review and see their recommendations. Bowen agrees. Contreas weighs in, her inference is they're putting together a proposed set of recommendations for the council to review and approve. In addition, the mayor and city council have to review. Once reviewed and approved, it goes to the state legislature as a recommendation for change via special act. Members would like the review process as open and transparent as possible. Contreas recommends a survey on the city website for particular contentious topics.

Flaherty follows up, going forward they want to see what needs to go to the charter commission or what needs to go to the special act. Members are concerned with losing certain changes if the ballot is an all or nothing approach. Contreas explains the process as outlined by Ch 43b, section 8. Any community can petition to amend and revise their charter thru special act. Contreas confirms this is not an all or nothing approach. Perry weighs in with what changes require special act and which ones do not. Perry also assures the members the legislature usually agrees to approve a special act especially if its going to the ballot. Let the voters decide. Flaherty is also careful to say; the point of the committee was to complete the review and based off their recommendations have the city council approve the suggestions. Members want to avoid the council holding off on changes to have a second review process. Ames agrees. Supporting Flaherty, they do not want recommendations and suggestions to sit at the city council for extended period of time. Dinkin asks if referendum items are severable from one another. In essence, should one item fail, they do not want to lose the remaining items. Contreas confirms they can separate the referendum items. Bowen asks if there's any prereading they can do for the next few meetings, and build in public comment for a short period of time before the next meeting.

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

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

Meetings are changed to Thursdays for the month of May to accommodate the consultant's schedule. The desired meeting outline is to go thru section by section with suggestions by the Collins Center for each article and sub-article within the sections. Corbo informs the members for best practices to review language corrections and substantive issues they will suggest if there's a deficit in the charter. Corbo is careful to point out the Collins Center does not provide legal counsel to municipalities. Corbo advises to find a separate attorney. She is not in a position for legal advice and nor is the Collins Center in the practice of getting into a legal dispute with the city council. Ames strongly advocates for the language to be looked at somehow. Ames feels there is a gap in the intent of how the document was written and how it's being executed. It is critical to solve the language gap issue. Flaherty believes once they clean up the language working with the city solicitor it will be clearer and defined.

Perry will arrange the review topics for the next few meetings with the Collins Center. Encourages the members to send emails by the weekend for suggestions of issues per section they want addressed.

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

None at this time. No further action required at this time.

#### **6. Adjournment**

Flaherty adjourned meeting 8:15 p.m.

**Charter Review meeting May 6, 2021 at 7 p.m.**