

CITY OF BEVERLY

PUBLIC MEETING MINUTES

CITY OF BEVERLY  
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2021 JUN -4 A 8:48

Committee: Charter Review Committee  
DATE: May 27, 2021  
LOCATION: Virtual Meeting  
BOARD MEMBERS PRESENT: Timothy Flaherty (Chair), Stacy Ames, Hannah Bowen, Julie DeSilva, Richard Dinkin, Michael Pinciaro  
BOARD MEMBERS ABSENT: Paul Guanci  
RECORDER: Sharlyne Woodbury  
Others present: Libby Corbo; Marilyn Contreas; Stephen McGoldrick; Stephanie Williams, City Solicitor; Kevin Corridan

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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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**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 7:00 p.m.

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

**a. Approval of May 18, 2021 minutes**

DeSilva moves to approve the minutes as amended. Dinkin Seconds. The motion carries 6-0.

**3. Discussion with Collins Center: Matrix Outline Review**

Flaherty inquires if the members would like to return to Article 2 for items requiring additional review. Perry suggests keeping to the scheduling and moving on to Articles 3-5. Members can return to additional items at a later date for minor revisions.

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

**4. Review of Articles 3-5:**

**a. Article 3**

**i. A3 s. 3-1(b)**

Pinciaro begins discussion and comments he has not heard any compelling arguments to increase the mayoral term from 2 years to 4 years. Asks the Collins Center for input. Contreas responds the increase from 2 years to 4 years is to aid the mayoral agenda allowing time to implement action items. The breakdown of a four-year term 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

iv. A3 s. 3-3

Bowen comments the recommendation is to leave the section as is. Members have little discussion.

v. A3 s. 3-4\*

Dinkin has an issue with the section. Appointments are made by the mayor and ratified by the city council. If the mayor wants to remove someone with cause, that should also be ratified by the city council. McGoldrick asks Corbo to weigh in. Corbo takes issue with a few sections and encourages the members to review and reflect the intent of this section. Corbo discusses best practices reflecting on privacy, notifications, timeline to resolve an employment issue, and appearing before the city council. Due the private a sensitive nature of a public hearing on an employment issue, Corbo does not believe the hearing merits good human resource practices. Corbo cautions about the potential liability, discrimination and ethics violations of public hearings when addressing an employee's character or private health information. Corbo uses medical disability as an example. A council hearing would inadvertently disclose PHI if the executive branch feels compelled to justify the removal in further detail creating a liability for the city. This hearing creates a public display that is unnecessary. Corbo also encourages the members to carefully review why safety employees are treated any differently than other city employees.

Dinkin reviews the executive session function maintaining the privacy issue is resolved when enacted. Executive session is an exception to open meeting laws. Dinkin's concern is the use of the mayor's authority to remove an employee for political as opposed to ethical or competency reasons. The council should ratify the removal which acts as a political safeguard. Corbo counterpoints, the executive session issue is that this charter specifically says a public hearing, so executive session is not an option. The charter language providing for a public hearing before the city council could be very difficult and sensitive to play out publicly. DeSilva agrees with the comments of the consultants. Believes less is more for language. Bowen is in favor of cleaning up and simplifying the hearing option and removing the more cumbersome language pieces.

Dinkin recommends striking "public" and referring to the executive session within open meeting laws. Dinkin is not willing to compromise on a city council vote. Simply stated, council confirmed an appointment, should confirm a removal. Corbo said the employee can have the option to open or executive session. The employee should have the right to have the option of not surrendering their privacy.

There being no further comments or questions. Bowen suggests a set of motions.

1. Bowen moves to strike part B of section 3-4. Dinkin seconds. The motion carries 6-0.
2. Bowen moves to accept the motion, as amended per discussion, accepting the first three edits but not the last two sentences that are recommended to be removed. Pinciario seconds. Bowen, DeSilva dissent. The motion carries 4-2.

Discussion on the motion. Corbo suggests the motion as is would simply result in removing the distinction between public safety employees and removing the provision that allows the city council to reverse the decision of the mayor. This removes the checks and balances, essentially becoming an air of public grievances with no resolution authority. The remedy was contained the public safety distinction since deleted. Bowen is comfortable deleting the language since it only applied to public safety

*\*denotes a return to the section for further review/clarification*

i. *A4 s. 4-1(a)*

Bowen inquires if there anyone received additional feedback from their constituents for at-large seats. Most members did not receive a lot of feedback. Ames reviews the history of the ward representation. Concerns center on at-large positions from more affluent areas and not represent the city in totality. Ames worries the balance of power may be skewed for downtown parents. In lieu of these concerns, member suggest creating regional at-large seats with the regions defined. Members suggest adding 1 member to the upper/lower wards respectively. Members welcome the suggestions with some focusing on the addition of school committee members necessary to assist with the current burdensome workload. Perry offers additional comments, he is in favor of adding the positions and selecting the regional wards. Bowen reiterates the equity concerns for all ward representation.

Contreas is concerned with "at-large", suggests using "district" and defining the wards per district. Flaherty has concerns with wards that do not have schools contained therein and would their influence be an improper balance of power. Flaherty is not opposed to having the mayor appoint a body of professional school committee members whose careers are focused specifically on education and specialties contained therein. Flaherty observes, appointed specialists may prove to be beneficial whereas past members, although dedicated and enthusiastic may not have been fully qualified within the academic realm to sufficiently serve the school committee. Dinkin said they should be clear on the reasons for an appointed as opposed to elected school committee members; noting an appointed committee member does not remove the politics of the position.

Ames asks the Collins Center for guidance on the current trends. Contreas maintains there is a strong majority that all committee members are elected at large. Bowen inquires if at large committee been challenged recently. Contreas speaks to Springfield voting rights violations where they when to a combination of district and at large composition. Ames reiterates that equal representation is vital.

Dinkin moves to add two members to the school committee, regionally elected, one in wards 1, 2, 3; one in wards 4,5, 6. Ames seconds. The motion carries 5-1. Flaherty dissents.

ii. *A4 s. 4-1(b)*

Dinkin moves to adopt the language as amended. Ames seconds. The motion carries 6-0.

iii. *A4 s. 4-1(c)*

Bowen brings attention on whether or not to capitalize G and L per the previously approved definitions of "general laws" and "General Laws". Lower case are laws enacted by the state legislature, upper case are in reference to MA laws. Per Contreas there's only one reference for GL in section 4-3. There is no citation and Contreas does not believe that should be there. Lower case is acceptable.

DeSilva moves to accepted the language provided by the Collins Center. Pinciario seconds. The motion carries 6-0.

Discussion on the motion. Corbo clarifies the language was broad and ambiguous. M.G.L. c. 71 provides specific directions regarding the role/responsibility of the school committee.

iv. *A4 s. 4-1(e)*

DeSilva moves to approve the recommendation as presented by the Collins Center. Dinkin seconds. The motion carries 6-0.

v. A5 s. 5-8

Dinkin moves to accept the changes recommended by the Collins Center. DeSilva seconds. The motion carries 6-0.

**5. Meeting Schedule**

Perry reviews the possibility of a live meeting with Governor Baker's emergency mandates lifting effective May 29, 2021. Perry will have documents for all members printed and update the committee members with a physical location if a live meeting is possible. Corbo will attend via phone conference either way.

**6. New/Old Business**

None, no further action required at this time.

**7. Adjournment**

Flaherty adjourned meeting at 9:38 p.m.

**Charter Review meeting June 3, 2021 at 7 p.m.**