

City of Beverly
Special City Council Meeting
Public Meeting Minutes
Tuesday, September 27, 2022, 7:00pm
City Council Chambers, 191 Cabot St.

CITY OF BEVERLY
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Julie Flowers, City Council President, called the meeting to order at 7:04pm. City Clerk, Lisa Kent, took attendance by roll call.

Members Present: Hannah Bowen, Steven Crowley, Kathleen Feldman, Scott Houseman, Estelle Rand, Todd Rotondo, Matthew St. Hilaire, Brendan Sweeney, Julie Flowers

Members Absent: None

Crowley led the pledge of allegiance.

Order #075-Charter Review Committee Final Report

Order #075A-Proposed Amendments to Charter Committee Draft Charter Amendments

Flowers started by opening the floor to general statements from councilors. Several councilors expressed appreciation for those who worked on this process.

City Solicitor Stephanie Williams stated the draft that was sent to the Council on August 10 incorporated the proposed amendments from the Legal Affairs Committee. Williams stated she and Marilyn Contreas from the Collins Center put some additional suggested amendments in the comments section for clarity and consistency.

Houseman stated he had a proposed tweak in 3-7 and 3-8 for consistency.

St. Hilaire stated he planned to propose amendments in 3-1 to strike the proposed four year term, in 4-1 to strike the proposed addition of school committee district seats, and in 7-3 to keep the signature requirement at 100.

Sweeney stated that in 3-8 he would propose amending 17 months to 34 months and some other language changes as well.

Flowers began the review with Article 1. There were no comments on sections 1-1 through 1-6 of the proposed charter changes.

Williams stated one of the additions that was not previously reflected in 1-7(s) would be to add the definition for "regular municipal election" to that section. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on section 2-1.

Williams and Contreas recommended in 2-2(c) replacing "absence or disability" with "inability to serve" instead. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 2-3 through 2-5.

In 2-6(c)(ii) Williams recommended it read, "delivered in hand or to the place of residence of each member or by electronic mail to each member" instead of the current phrasing. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 2-7 and 2-8.

In 2-9(b) Contreas recommended adding in "following the passage of the five days above" after "the next scheduled council meeting" for clarity. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on section 2-10.

In 2-11(d) Contreas suggested inserting “who is not presently serving and receives the highest number of votes for Councilor-at-Large from among the candidates for the office who are not presently serving” in place of the current phrase. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

In 3-1(b), St. Hilaire moved to strike the change from a two-year term to four-year term and leave it at two years. The motion was seconded and opened to discussion.

St. Hilaire stated he thinks there are pros and cons on both sides. Government works best when people participate. Removing the mayor from the ballot would decrease turnout in municipal elections. In other cities that have gone to a four-year term, the off-year election voter turnout plummeted. St. Hilaire stated he was also looking at the balance of power. Local level officials should be accountable to the voters and always be campaigning.

Houseman stated he does not think just because other cities are doing it that means that Beverly should. Another reason that was given for making this change was that it would allow the prospective mayor to not have to start running for office right away. Houseman stated that he has not heard any persuasive argument that the power of incumbency is not incredibly strong in Beverly; mayors are re-elected and re-elected. It is important that the voters do not have to wait four years if a mistake is made in their minds. Houseman stated two years is more appropriate.

Feldman stated she also struggled with this but is comfortable letting it go to a ballot measure. When running for office at the municipal level, the campaign is the work, and nothing can speak better to running for re-election than doing the work that has been promised. The two-year turnaround is more of an incentive at the local level to get work done and do right by constituents.

Bowen expressed her support for changing this and for it going to a ballot measure.

A vote was taken, and the motion failed (2-7, in favor: St. Hilaire and Houseman).

There were no comments on sections 3-2 through 3-6.

Flowers clarified that the charter would be adopted with some changes. There are specific provisions within the charter that will be on the ballot for voters.

Perry stated that once the Council votes tonight, it then goes to the mayor who can veto certain parts if he chooses, then it would go to special legislation and come back to the voters of the community for referendums.

In 3-7(a) Williams recommended removing “successive working” since “days” is already defined in 8-8. Other minor changes include writing out the words “second” and “third” and deleting the word “city” before “regular municipal election” for uniformity. The motion to accept the proposed changes was made and seconded. A vote was taken, and the motion carried (9-0).

In 3-7(a) Houseman motioned to amend by adding “willing or” in line five before “able to serve” so that the language is consistent. The motion was seconded. A vote was taken, and the motion carried (9-0).

In 3-8(b) Williams recommended deleting “to be held in the 22nd month of the term” and adding “next” in front of “regular municipal election” and striking the last sentence as written and tightening up the language because it is really not a discretionary decision whether or not there will be enough time to hold an election. It will be a matter of whether the calendar will allow for it or not. The motion to accept the proposed change was made and seconded. A vote was taken,

and the motion carried (9-0).

In 3-8(c) Houseman motioned to amend as 3-7(a) was amended by adding “willing or” before “able to serve” so that the language is consistent. The motion was seconded. A vote was taken, and the motion carried (9-0).

Bowen asked about the line “to serve as Mayor with all the powers of the Mayor” since it differs from how it is stated in other areas.

Williams stated she would want to review the section, maybe during a brief recess, before making a recommendation to amend the language.

Sweeney moved to strike “17” in 3-8 subsections (a) and (c) and replace it with “34” and also to add “and said vacancy cannot be filled in accordance with subsection (b) below” after the phrase “for which the Mayor is elected” in 3-8(a). Sweeney stated that this would stretch the timeline for when a vacancy would need to be filled by a special election. Sweeney stated his concern is that the office of mayor would be filled for a period of up to potentially two and a half years, depending on the timing of the vacancy, by a person who was not elected mayor by the voters of the city, so while there would be the cost of a special election, it is important that the voters have a say in who the mayor is.

The motion was seconded.

Houseman asked for Mr. Perry’s input.

Perry stated there are pros and cons to this either way but that he would lean toward leaving it as the Charter Committee recommended.

A vote was taken, and the motion failed (2-7, in favor: St. Hilaire and Sweeney).

In 3-8(c) Williams noted the same issue with spelling out “second” and “third” and removing the word “city” before “regular municipal election” as well as a slight rewording in 3-8(d) for accuracy. The motion to accept the proposed changes was made and seconded. A vote was taken, and the motion carried (9-0).

In 3-8(e) Contreas recommended a change to the language of the last sentence. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

Flowers asked Bowen to restate the question from earlier before moving on to Article 4.

Bowen asked on page 33 lines six and seven where it states, “with all the powers of the Mayor” if that is in the right place or why it is only in the final sentence of 3-8(c).

The motion for a fifteen minutes recess to allow the Solicitor’s Office time to review the question was made and seconded. A vote was taken, and the motion carried (9-0). The meeting was recessed.

The meeting was called back to order at 8:30pm.

Williams stated an amendment should be made to 3-8(c) to clarify the intention. It would be changed to “whoever serves pursuant to this section shall have all the powers of the Mayor” instead. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

In 4-1(a) St. Hilaire moved to amend by striking the change from seven to nine members and by striking the language that would create two district seats. The motion was seconded.

Houseman, Flowers, and Perry confirmed this would go to the public for a vote.

St. Hilaire stated that this seems like a structural change to local government. St. Hilaire stated the roles of City Councilors have changed as well over recent years, but that does not mean two more seats would be added. St. Hilaire stated he would prefer to leave it as is.

A vote was taken, and the motion failed (4-5, in favor: St. Hilaire, Houseman, Crowley, Rotondo).

In 4-1(c)(3) Williams noted the second floating paragraph should have its own number (4). The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 4-2 through 6-1.

In 6-2, Contreas recommended adding “and” in for clarity. The motion to accept the proposed change was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 6-3 through 6-9.

In 6-10, the motion to accept the additional language as presented by Williams and Contreas was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 7-1 and 7-2.

In 7-3(a) St. Hilaire moved to amend by leaving the signature requirement at 100 instead of 300. The motion was seconded.

St. Hilaire stated he does not see the need to increase the threshold.

A vote was taken, and the motion passed (6-3, opposed: Sweeney, Bowen, Rand).

There were no comments on sections 7-4 through 7-7.

Contreas reviewed several syntax items in 7-8 and 7-9, including in 7-8(e) on line 14 of page 69 changing “a certificate of same” to “a certificate as described above” instead. Contreas also recommended in 7-9 removing “forthwith” and other small changes. The motion to accept the proposed changes was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 7-10 through 8-10.

In 8-11, Bowen moved to amend by adding the letter “s” to make “Councilor” plural in the phrase “Councilor-elect” so the first phrase reads, “The Mayor-elect, Councilors-elect and School Committee members-elect” instead of the current wording. The motion was seconded. A vote was taken, and the motion carried (9-0).

There were no comments on sections 8-12 through 9-5.

Contreas stated that 9-6 was updated from the last time the charter was voted and this section states when it will take effect. The motion to accept the proposed changes was made and seconded. A vote was taken, and the motion carried (9-0).

There were no comments on section 9-7.

Order #075-Charter Review Committee Final Report

The motion to receive and place on file was made and seconded. A vote was taken, and the motion carried (9-0).

Tim Flaherty, former City Councilor and former Chair of the Charter Review Committee, thanked Gerry Perry, Marilyn Contreas and Stephanie Williams for their work.

Order #075A-Proposed Amendments to Charter Committee Draft Charter Amendments

The motion to approve the document proposed by Legal Affairs Committee and inclusive of amendments made tonight was made and seconded.

Bowen stated for the benefit of the public that the three items that would be on the ballot as separate questions in 2023 are the four year term of mayor, the addition of school committee members, and the ability of a ward councilor to continue to serve if they move.

St. Hilaire clarified that those would only go to the voters if they were approved by both the mayor and the state legislature.

A vote was taken, and the motion carried (9-0).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (9-0).

The meeting adjourned at 9:10pm.