



City of Methuen, Massachusetts

OFFICE OF THE CITY COUNCIL

The Searles Building • 41 Pleasant Street

Methuen, Massachusetts 01844

TELEPHONE (978) 983-8510 • FAX (978) 983-8975

CHARTER REVIEW COMMITTEE MINUTES

Thursday, January 9, 2025 at 7:00 PM

Searles Building, 41 Pleasant Street

Great Hall, 3rd Floor

Methuen, MA 01844

- 1. Call to order** – Chairman Steven Saba called the meeting to order at 7:00 PM.
- 2. Roll call – members present** – Chair Steven Saba, John Cummings, Dennis DiZoglio, Ian Gosselin, Jennifer Kannan, Sharon Pollard and Eleni Varitimos.
- 3. Acceptance of agenda** – Motion to accept the agenda by Jennifer Kannan, seconded by John Cummings – **UPON VOTE - Unanimous**
- 4. Approve minutes of previous meeting Dec 12, 2024** – Motion by Jennifer Kannan, seconded by Eleni Vartimos - Unanimous
- 5. Public Participation – NONE**
- 6. Open discussion on process of reviewing the Charter** – Chair Steve Saba gave instruction for anyone who's watching at home. If they want to follow along what the Charter Review Committee is doing, they can get a copy of the current charter on the Charter Review Committee page on the City of Methuen's website - <https://www.cityofmethuen.net/325/Charter-Review-Committee> There was also a discussion on the 2024 Charter Review Committee's jurisdiction, standing and plans which was followed by a discussion of Chapter 43-B. The Committee also discussed the difference between an appointed Charter Committee and an elected Charter Commission. They are still relying on the Edward J. Collins, Jr. Center for Public Management at UMASS, Boston, for advice and guidance throughout this entire process. The Committee's goal is to present their amended Home Rule Charter changes to the City Council. Once it's approved, then that's submitted to the State Legislature in a Home Rule Petition. Once approved, it will then go to the Methuen voters as a ballot initiative. It then goes out to voters for approval, similar to what they were going to do with the 2019 Charter Committee. This process is very similar to what the 2019 Charter Commission did. There was a discussion and everyone agreed to having a copy of the 2019 Charter Committee's recommendations distributed to all of the members.
- 7. Review Articles 1 & 2**

Article 1

- **Section 1-1 – Incorporation – NO CHANGES**
- **Section 1-2 – Short Title – NO CHANGES**
- **Section 1-3 – Form of Government – NO CHANGES**

- **Section 1-4 – Powers of the Municipality** - Delete last sentence of second paragraph – “Except as may otherwise be specifically authorized by the Charter, no member of the City Council, nor any committee thereof, shall take any part in the conduct of the administrative business of the City.”

Motion to amend by Ian Gosselin, seconded by Sharon Pollard – unanimous

- **Section 1-5 – Construction - NO CHANGES**
- **Section 1-6 – Intergovernmental Relations - NO CHANGES**

Article 2

- **Section 2-1 (a) – Composition – adding 3 new precincts through Redistricting Plan for the City of Methuen – “Composition** – There shall be a City Council consisting of nine members which shall exercise the legislative powers of the City. Six Councilors shall be nominated and elected from the voters by districts, two Councilors to be elected from each of the three districts of the City. Three Councilors shall be nominated and elected at large. Precincts 1, 2, 6, 10 and 14 to be known as the Central District; Precincts 3, 7, 9, 12 and 13 to be known as the East District; and Precincts 4, 5, 8, 11 and 15 to be known as the West District. (Increase in number of precincts from 9 to 12 approved by Legislature, June 10th, 1986, Chapter 88 of the Acts and Resolves of 1986). (Increase in number of precincts from 12 to 15 approved by the Legislature, November 10, 2022, Chapter 267 of the Acts of 2022.) *** Ask Collins Center to weigh in on this reference to the history of the Act. The City Council shall be the judge of the election and qualification of its members. **Motion to amend by Ian Gosselin, seconded by Sharon Pollard – unanimous**

- **Section 2-1 (b) – Eligibility** – “**Voters** who are and remain residents of the City throughout their term of office shall be eligible to seek and hold the office of City Councilor, provided however, that at large councilors shall be elected by the voters of the entire city and councilors representing a district shall be elected by the voters of said district. A member of the City Council representing a district shall, notwithstanding such councilor’s removal from one district to another, continue to serve and to perform his their official duties of a Councilor during the term of office to which they are elected.” **Motion to change “him” to “their” in the second sentence by Eleni Varitimos, seconded by Jennifer Kannan – Unanimous**

- **Section 2-1 (c) Election and Term – no changes**
- **Section 2-2 – Organization** - After the Councilors elect have been sworn, the City Council shall be called together by the member with the total lifetime seniority serving on the Methuen City Council and the oldest member elected who shall preside. The City Council shall then elect, from among its members, a Chairman and Vice Chairman to serve at the pleasure of the City Council for a one-year term. This change does not preclude the Chair or Vice-Chair from serving consecutive terms as Chair and Vice-Chair. **Motion to amend by Jennifer Kannan – Roll call – 4 yes, 3 no (DiZoglio, Pollard & Varitimos) – passes.** The Chairman shall preside at all meetings of the City Council and perform such other functions as may be assigned by the Charter, by ordinance, or by vote of the City Council. The Vice Chair shall act as Chair of the Council during the absence or disability of the Chairman. (Elimination of appointed Councilor on School Committee approved by voters November 3rd, 1981; see Resolution #758). *This section was discussed at great length.*

- **Section 2-3 – Compensation; Expenses – NO CHANGES**

- **Section 2-4 – General Powers and Duties** - Except as otherwise provided by law or by the Charter, all **legislative** powers of the City shall be vested in the City Council which shall provide for their exercise and for the performance of all duties and obligations imposed on the City by law. **Motion to amend by Dennis DiZoglio, seconded by Jennifer Kannan – unanimous** - (add “legislative” preceding the word “powers”.) *This section was discussed at great length. The Charter Review Committee would like this section forwarded to the UMASS Collins Center for review.*

- **Section 2-5 – Prohibitions – Charter language** - No Councilor shall, while a member of the City Council, hold any other office or position the salary or compensation for which is payable out of the City treasury. No former Councilor shall hold any compensated appointive City office or City employment until one year after the expiration of his service on the City Council. This provision shall not prevent a City officer or employee who has taken a leave of absence from such duties in order to serve as a member of the City Council from returning to such office or employment following service as a member of the City Council.

Proposed Change on 2019 Charter Review Committee -

No currently serving Councilor or a Councilor who is out of office for less than **1 year – change to 2 years** - **Roll call – 5 yes, 2 no (Gosselin & Varitimos) – passes** - shall hold any other office or position the salary or compensation for which is payable out of the City treasury. No former Councilor shall hold any compensated appointive City office or City employment until **1 year – change to 2 years** - after the expiration of such councilor’s service on the City Council. This provision shall not prevent a City officer or employee who has taken a leave of absence from such duties in order to serve as a member of the City Council from returning to the same office or position of city employment held at the time of said councilor’s assumption of office following service as a member of the City Council. **The mayor may seek a waiver of this provision, provided however, that a waiver involving a sitting councilor must be approved by the full council by a unanimous vote, except that any currently serving councilor who is the subject of such a waiver shall not participate in the vote on the waiver request. Motion to add the highlighted language regarding a waiver – unanimous** - *This section was discussed at great length.*

- **Section 2-6 – Filling of Vacancies** – Once the City Clerk has knowledge of a vacancy, the **City Clerk shall immediately inform the Mayor, City Council and City Solicitor** if a vacancy occurs in the office of Councilor-at-Large or in the office of District Councilor, whether by failure to elect or otherwise. The City Council **the remaining Councilors** shall, within twenty-one days following the date such vacancy is declared to exist, - *The CRC discussed this term to change the declaration of a vacancy from the City Council Chair to the City Clerk* - act to fill the said vacancy. The Council shall elect, as acting Councilor whichever of the defeated candidates for the seat in which the vacancy is declared to exist, that person **who was next in line and was certified and received at 20% of the lowest vote getter's ballots** - **Motion to approve – Unanimous** - **who received the highest number of votes at the at the last regular City election immediately preceding the date the vacancy is declared to exist, and who received at least twenty (20) percent of the total votes (ballots) cast for the office at such election, and who remains eligible and willing to serve.** - *The CRC (Charter Review Committee) agreed that there should a minimum criterion for defeated candidates to fill a vacancy on the City Council. Maybe use candidates that took out papers and received 20% of the total votes cast for the office at such election – example – in the 2023 municipal election – 13,223 votes were cast in the At-Large City Council race – divided by 3 = 4407 – 20 % = 882 votes – all candidates would have exceeded this threshold of 20% of the total votes cast in that race – The CRC agreed there should be the threshold that someone at least had to pull nomination papers. They might consider using 5%, 10%, 15% or 20% of the total ballots cast for that race.*

There being no such person, the Council Chair shall make an application for candidacy available in the City Clerk’s office and post said application on the City of Methuen’s website. Within 21-days,

the City Council Chair shall announce and schedule a public hearing to hear from the applicants who wish to fill the vacancy. Then the City Council will vote amongst the applicants, to be an acting Councilor to serve for the balance of the unexpired term. If such choice is not made as hereinbefore provided within the said twenty-one days, the choice shall be made by the Councilor senior in length of service, or if there be more than one such, by the Councilor senior both in age and in terms of service. Any person so chosen shall be sworn and commence to serve forthwith. No vacancy shall be filled, in the manner hereinbefore provided, if a regular City election is to be held within one hundred twenty days following the date the vacancy is declared to exist.

- **Section 2-7. Exercise of Powers; Quorum; Rules of Procedure.**
- **(a) Exercise of Powers** - Except as otherwise prohibited by law or the Charter, the legislative powers of the City Council may be exercised in a manner determined by it. – **NO CHANGES**
- **(b) Quorum** - ~~A majority of the full City Council~~ The presence of 5 members of the City Council shall constitute a quorum. The affirmative vote of a majority of the full City Council shall be necessary to adopt any appropriation order. Except as otherwise provided by law or the Charter, any other motion or measure may be adopted by a majority vote of those present. ***Motion to approve amendment – Unanimous.***
- **(c) Rules of Procedure** - The City Council shall, from time to time, establish rules for its proceedings. Regular meetings of the City Council shall be held at a time and place fixed by ordinance, but which shall be not less frequent than once monthly. Special meetings of the City Council may be held on the call of the Chairman of the City Council or on the call of any three or more members, by written notice delivered to the place of residence or business of each member or via electronic mail at least forty-eight 48 hours in advance of the time set. **All such notices shall be posted as required by law.** Except as otherwise authorized by General Laws, all sessions of the City Council shall be open to the public and press. Every matter coming before the City Council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the City Council shall be kept and shall be open to inspection by the public. ***Motion to adopt 2019 CRC version by Jennifer Kannan, seconded by Ian Gosselin - Unanimous***
- **Section 2-8. Council Staff.**
- **(a) City Accountant** ~~The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Accountant to hold office for a term of two years and until his/her successor is qualified. (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)~~
- ~~The City Accountant shall keep and have charge of the accounts of the City. He shall regularly audit the books and accounts of all City agencies, and he shall have such powers and perform such other duties as the City Council may prescribe in addition to such duties as may be prescribed by law.~~ ***Motion to delete – Unanimous.***
- **(a) Clerk of the Council** - The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a Clerk of the Council to hold office for a term of two years. ~~or until his/her successor is qualified.~~ ***Motion to amend by Jennifer Kannan, seconded by Eleni***

Varitimos – Unanimous - The Clerk of the Council shall give notice of all meetings of the City Council to its members and to the public, keep a record of its proceedings and perform such duties as may be assigned by the Charter, by ordinance, or by other vote of the City Council. (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)

- **(b) Assistant Clerk of the Council** – The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, an Assistant Clerk of the Council to hold office for a term of two years. The Assistant Clerk shall assist the Clerk of the Council in performing duties as prescribed by the Council Chair or as directed by a vote of the City Council. (Chapter 252 of the Acts of November 1, 2022) (Amendment submitted by the City Council Order # 5697 approved January 19, 2022) *Motion to amend by Jennifer Kannan, seconded by Dennis DiZoglio – 4 yes, 2 no (Sharon Pollard & Ian Gosselin), 1 abstention (Eleni Varitimos)*
- **(c) City Solicitor** - The City Council shall, on or before January fifteenth in odd numbered years, elect, by ballot or otherwise, a City Solicitor to hold office for a term of two years ~~and until his/her successor is qualified.~~ *Motion to amend by Jennifer Kannan, seconded by Eleni Varitimos - unanimous* (Odd numbered year appointment by amendment approved by the Legislature June 28th, 1996 as Chapter 145 of the Acts and Resolves of 1996. Amendment submitted by City Council Order #3738, approved February 5th, 1996.)

The City Solicitor shall represent the municipality in all court matters, advise the City Council and municipal boards and officers upon all legal questions and perform such other duties as the City Council may prescribe in addition to such duties as may be prescribed by law. (Appointment by the City Council approved by voters November 5th, 1985; see Resolution #1380 and Chapter 182 of the Acts and Resolves of 1985).

There was extensive discussion regarding the City Solicitor's appointment – should it remain to be by the City Council or should it be changed to be by the Mayor. It was suggested that some historical research could be done to see when it changed from a Mayoral appointment to a City Council appointment. Possibly to consult with the MMA. Either way, CRC needs to build a case with documentation for their recommendation.

- **(d) Salaries** - The City Council shall set the salaries of the Mayor and the City Council. In addition, the City Council shall set the salaries of its employees comparable with municipal salary scales and shall review the City Council's and their employees salaries every 5 years. (Approved by voters November 5th, 1985; see Resolution #1380 and Chapter 182 of the Acts and Resolves of 1985). *Motion to amend – unanimous.*
- **Section 2-9. Measures; Emergency Measures; Charter Objection.**
- **(a) In General** - No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property. Except as otherwise provided by the Charter, every adopted measure shall become effective at the expiration of thirty days after adoption or at any later date specified therein. **Measures not subject to referendum shall become effective upon adoption.** No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the Charter, or as provided in the

initiative and referendum procedures. The CRC needs some guidance on this section. *Request for Edward J. Collins, Jr. Center for Public Management at UMASS, Boston to weigh in on the term “measures not subject to referendum”.*

- **(b) Emergency Measures** - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the City Council. **NO CHANGES**

An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in General Laws, Chapter 166, Sections 70 and 71 (relating to utility lines), no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify. **NO CHANGES**

13. (c) Charter Objection – On the first occasion that the question on adoption of a measure is put to the City Council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If ~~two or more other~~ **three members object**, such postponement shall be until the next regular meeting; ***Motion to amend – unanimous*** - but for an emergency measure, at least four members in all must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.

- **Section 2-10. Delegation of Powers.**
 - The City Council may delegate to one or more City agencies, the powers vested in the City Council by the laws of the Commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such City agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken. **NO CHANGES**
- **Section 2-11. Inquiries and Investigations.**
 - ~~The City Council may require any City officer or member of a board or commission to appear before it, and give such information as it may require in relation to his office, its function, and performance. The City Council shall give at least forty eight hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section.~~
 - ~~The City Council may make investigations into the affairs of the City and into the conduct of any City agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.~~

- (a) In General - The city council, **by majority vote**, may make investigations into the affairs of the city and into the conduct and performance of any city agency.
- (b) Information Requests - The city council, **by majority vote**, may require a member of a multiple-member body or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.
- (c) Mayor - The city council, **by majority vote**, shall identify the scope of its inquiry and request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting to be held not earlier than 7 business days from the date the mayor receives the council's request. The mayor shall attend such meeting and respond to the council's questions. The mayor shall not be required to answer questions relating to any other matter.
- (d) Notice - The city council, **by majority vote**, shall give a minimum of 7 business days' notice to a person it may require to appear before it under this section. The notice shall include specific questions on which the city council seeks information, and no person called to appear before the city council under this section shall be required to respond to any question not relevant or related to those questions presented in advance and in writing. The mayor shall receive notice of such request in writing at the same time such notice is given to the person required to appear.

Motion to amend section 2-11 in its entirety – unanimous.

• (NEW) Section 2-12 School-Municipal Cooperation

- The City Council, Mayor and the School Committee shall endeavor to keep each other apprised of important developments related to the budget, policies, upcoming issues and other important matters of the city and schools, and shall seek to work together in the best interests of the residents of the city. Joint meetings of the two bodies shall be held at least 3 2 times annually, to include the annual budget meeting as provided in section 6-2 of the charter, and such other meetings as the council and school committee shall jointly determine.

(a) **Confirm the next meeting date and time** – Thursday, January 23, 2025 at 7:00 PM in Great Hall, Searles Building, 41 Pleasant Street, Methuen.

(b) **Adjourn - MOTION TO ADJOURN at 10:31 PM by Sharon Pollard, seconded by Ian Gosselin – UPON VOTE – Unanimous.**

Respectfully submitted,

Lisa Yarid Ferry
Assistant City Council Clerk