



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 23, 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 John Cummings, seconded by Jennifer Kannan – **UPON VOTE - Unanimous**
4. **Approve minutes of previous meeting Dec 12, 2024** – Motion to table by Sharon Pollard, seconded by Eleni Vartimos - **Unanimous**
5. **Public Participation – NONE**

Open discussion on process of reviewing the Charter – Steve Saba and Dennis DiZoglio spoke with folks at the Collins Center and their plates are full until the end of February. They plan on sending an engagement letter at the end of February and then they'll be able to start working with the Methuen Charter Review Committee. As soon as the Collins Center signs the engagement letter, then we'll send them an e-mail of all of the sections of the Charter we need their advice on, and we'll go from there. Sharon Pollard asked if there was another group we may be able to work with on this. Dennis DiZoglio thinks that there may be a group that was spun out of the MA Municipal Association that may consult on Charter Review Committee's work called MA Municipal Consultants. Steve Saba said he would make some inquiries. Chair Steve Saba gave instructions 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>

ARTICLE 3 EXECUTIVE BRANCH

Section 3-1. Mayor – Qualifications; Term of Office; Compensation.

- (a) Mayor; Qualifications – The Chief Executive Officer of the City shall be a Mayor, elected by and from the qualified voters of the City. Any voter domiciled in the City shall be eligible to hold the office of Mayor. He **The Mayor** shall devote his **their** full time to the office and shall not hold any other public office, elective or appointive, ~~nor engage~~ **and shall file written disclosure to the City Clerk** in any other business activity whether or not such business activity is pursued for gain, profit or other pecuniary advantage, during his **their** term. **Motion to change from “he” to “The Mayor” by Ian Gosselin, seconded by Dennis DiZoglio – Unanimous – The CRC directed**

Assistant Clerk Lisa Ferry to go through the Charter to delete gender terms with gender neutral terms.
Motion to amend regarding filing written disclosure of business by Jennifer Kannan, seconded by Sharon Pollard – unanimous.

***** Please note that the CRC voted unanimously to define “qualified voter” as a person who is at least 18 years of age, resident of the district and is registered to vote --- and to add to the definitions page of the document – motion to add definition Jennifer Kannan, seconded by Eleni Varitimos – unanimous.**

- (b) Term of Office – The term of office of Mayor shall be two years, beginning on the first Monday of January following his election and until his successor is qualified. No person shall hold the office of Mayor for more than three consecutive terms. (Consecutive term limits approved by the Legislature September 24th, 1999, Chapter 82 of the Acts and Resolves of 1999 and adopted by the Voters November 2nd, 1999). *Ask the Edward J. Collins, Jr. Center for Public Management at UMASS, Boston to weigh in on changing Mayor’s 3 2-year terms to 2 4-year terms. Should this request be presented to the City Council and the voters as a separate ballot question?*
- (c) Compensation – The City Council shall, by ordinance, establish an annual salary for the Mayor. **The Mayor’s salary shall be reviewed every 5 years. Motion to amend by Jennifer Kannan, seconded by John Cummings – 6 yes, 1 no (Sharon Pollard)**

Motion to amend the City Council salaries Section 2-8 - The City Council shall review the Mayor’s, City Council’s and their employees’ salaries every 5 years by Jennifer Kannan, seconded by John Cummings – unanimous.

Section 3-2. Executive Authority and Duties.

The executive powers of the City shall be vested solely in the Mayor, and may be exercised by ~~him~~ **them** either personally or through the several City agencies under ~~his~~ **their** general supervision and control. The Mayor shall see that all of the provisions of the General Laws, of this Charter, of votes of the City Council which require enforcement by ~~him~~ **them** or officers subject to ~~his~~ **their** direction and supervision are faithfully carried out and shall cause a record of all ~~his~~ **their** official duties to be kept. ***Motion to amend by Ian Gosselin, seconded by Jennifer Kannan – Unanimous*** He shall have the following authority and duties:

13. (a) ~~He~~ **The Mayor** shall supervise and direct the administration of all departments, commissions, boards and offices, except the City Council, the School Committee, ~~the City Accountant, the Fiscal Analyst, the City Solicitor and Clerk~~ **and Assistant Clerk** of the Council. ***The CRC wants to revisit this section at a later time.***

14. (b) ~~He~~ **The Mayor** shall fix the compensation of all City officers and employees appointed by ~~him~~ **them** within the limits established by City ordinances and existing appropriations. ***The CRC wants to revisit this section at a later time***

15. (c) ~~He~~ **The Mayor** ~~or the Mayor’s designee~~ shall ~~may~~ **attend participate** at all regular meetings of the City Council, at the discretion of the Council Chair; provided, however, that if the Council is seeking information on a specific matter, the notice procedures of Section 2-11 of this Charter shall be followed. ~~unless excused at his~~ **their** ~~own request, and shall have a voice but no vote in all of its deliberations.~~ **Motion to amend – Unanimous.**

- (d) He **The Mayor**, in collaboration with the **CAFO**, shall keep full and complete records of his **their** office, and shall render as often as may be required by the City Council, but not less than once a year, a full report of all operations during the period reported on, which report shall be made available to the public. **Motion by to accept as amended by Jennifer Kannan, seconded by John Cummings - Unanimous**
- (e) He **The Mayor** shall keep the City Council fully advised as to the needs of the City and shall recommend to the City Council for adoption such measures requiring action by them as he may deem necessary or expedient. **Motion to accept as amended by Jennifer Kannan, seconded by Dennis DiZoglio - Unanimous**
- (f) He **The Mayor** shall have full jurisdiction over **and responsibility for** the rental, ~~and use~~ **and** of all City facilities under his ~~their~~ control. ~~He shall be responsible for the maintenance and repair of all City property under their~~ **the Mayor's** control. - **Motion to accept as amended by Sharon Pollard, seconded by Ian Gosselin – Unanimous**
- (g) He **The Mayor** shall be responsible for the appointment, subject to the approval of the City Council, of any necessary building and facilities committees having to do with the preparation of plans and supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the City Council, provided, however, that the approval of the School Committee shall be obtained for school construction or improvement plans. **Motion to accept as amended by Jennifer Kannan, seconded by John Cummings – Unanimous**
- (h) He **The Mayor** shall keep a full and complete inventory of all property of the City, both real and personal. - **Motion to accept as amended by Jennifer Kannan, seconded by John Cummings – Unanimous**
- (i) ~~He~~ **Except as provided in Articles 6 and 7 of this Charter, the Mayor** shall negotiate and may execute contracts involving any subject within his **their** jurisdiction of the office of the Mayor. All contracts, shall be awarded by the Mayor, however, only **contracts above the bid threshold under MGL Chapter 30 B**, ~~prior to said award~~, shall meet with approval, by vote of the majority of the City Council. **Any contract that is exempt by MGL Chapter 30 B threshold, shall require approval by a majority vote of the City Council.** - **Motion to accept as amended by Ian Gosselin, seconded by Sharon Pollard – Unanimous**
- (j) He **The Mayor** shall be responsible for the purchasing of all supplies, materials and equipment for all departments and activities of the City, ~~but not including food for schools, schoolbooks and other instructional materials, supplies and equipment; library books and related printed and audiovisual subject material, unless otherwise requested by the School Committee or the~~ **and upon request of the Library Trustees; School purchases will be managed by the Chief Administrative and Financial Officer (CAFO) shall determine as provided in Section 7-5 of the Charter.** **Motion to accept as amended by Dennis DiZoglio, seconded by Jennifer Kannan – Unanimous**
- (k) **The Mayor shall appoint a Board of Assessors** ~~The City of Methuen shall have a board of no less than three (3) Assessors~~ **members appointed by the Mayor and he** ~~and shall designate one~~ of his ~~their~~ appointees **member to serve as** Chairman thereof. **Motion to accept as amended by Sharon Pollard, seconded by Jennifer Kannan - Unanimous**

(l) He **The Mayor** shall perform any other duties required by the ordinances or other votes of the City Council. - **Motion to accept as amended by Sharon Pollard, seconded by John Cummings – Unanimous**

(m) He **The Mayor** shall exercise general supervision and direction over all City agencies unless otherwise provided by law. Each City agency shall furnish **to the Mayor** ~~him~~ forthwith upon his request, any information, materials or otherwise as he **the Mayor** may request **require** and as needs of his the **office the Mayor** and the interests of the City require. **Motion to accept as amended by Jennifer Kannan, seconded by Eleni Varitimos – Unanimous**

***** The Charter Review Committee wants to revisit deliberations of Sections 3-2 (a) and (b).**

Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the City, except employees of the School Department. All appointments of Department Heads, Assistant Department Heads, Division Heads, Police Superior Officers of the rank of Sergeant and above, Fire Department Superior Officers of the rank of Lieutenant and above, the Conservation Commission Agent, and all Boards and Commissions shall be subject to confirmation **by 5 votes** ~~a majority vote of the full City Council~~. The Mayor shall submit, in writing, to the City council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a City position. (Approved by the voters November 5th, 1996; see Resolution #3745 and Chapter 148 of the Acts and Resolves of 1996). **Motion to accept as amended by Jennifer Kannan, seconded by Ian Gosselin – Unanimous**

Jennifer Kannan wants the CRC to consider splitting Section 3-3 in two --- differentiating between the Mayor's department heads, police and fire appointments and board appointments.

Section 3-4. Temporary Appointments to City Offices.

Whenever a vacancy, either temporary or permanent, occurs in a City office and the needs of the City require that such office be filled, the Mayor may designate the head of another City agency or a City officer or employee, or some other person, especially fitted by merit and fitness, to perform the duties of the office **for a period not exceeding ninety (90) calendar days. One (1) subsequent extension of a temporary appointment to a City office for a period not exceeding sixty (60) calendar days shall be permitted, and such extension shall require the affirmative vote of two-thirds of the full City Council.** ~~on a temporary basis until such time as the position can be filled as otherwise provided by law, Charter or ordinance.~~ The Mayor shall file a certificate, in substantially the following form, with the City Clerk whenever he or she **the Mayor** makes a designation under this section:

I designate (name of person) to **temporarily** perform the duties of the office of (designate office in which vacancy exists) **for a period not exceeding ninety (90) calendar days until the office can be filled by** (here set out the regular procedure for filling the vacancy, or when the regular officer will return). ~~on a temporary basis until the office can be filled by~~ I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Methuen.

The CRC voted unanimously to amend this section by replacing the text with the language of the Home Rule Petition within TR-21-45

Section 3-5. Communications; Special Meetings.

13- (a) Communications to the City Council - Within six weeks following the start of each fiscal year, the Mayor shall submit to City Council, and make available for public distribution, a complete report on the financial and administrative activities and status of the City for the preceding fiscal year. He shall from time to time, and, whenever requested by the City Council, by written communication, keep the City Council fully informed of the financial condition and administrative issues of the City and shall recommend to them such measures for their consideration as, in his **their** judgment, the needs of the City require. **Motion to accept as amended by Ian Gosselin, seconded by Eleni Varitimos – Unanimous**

(b) Special Meetings of the City Council - The Mayor may at any time call a special meeting of the City Council for any purpose by causing a notice thereof to be delivered in hand, or residence of each member of the City Council **and/or via by electronic mail**. Such notice shall, except in an emergency as determined by the Mayor, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. **Motion to accept as amended by Eleni Varitimos, second by Jennifer Kannan - Unanimous**

Section 3-6. Approval of Mayor; Exception (Veto).

Every order, ordinance, resolution or vote adopted or passed by the City Council relative to the affairs of the City, **except memorial resolutions, the selection of city officers under the jurisdiction of the City Council and any other matters relating to internal affairs of the City Council** shall be presented to the Mayor for his approval **within 3 business days of such adoption or passage**. If **the Mayor approved** approves of the measure, ~~he~~ the Mayor ~~must~~ shall sign it; If the Mayor disapproves of the measure, ~~not, he~~ the Mayor shall return the measure ~~it~~, with his ~~the~~ specific reason for disapproval attached to the measure in writing ~~ten objections~~, to the City Council. The City Council, ~~who~~ shall enter the objections of the Mayor on its records and within 10 business days from the date of its return to the City Council, shall again consider the same measure ~~it~~. If the City Council, notwithstanding such disapproval by the Mayor, shall again pass the order, ordinance, resolution or vote by 2/3 vote of the full council, it shall then be deemed in force, notwithstanding the failure of the Mayor to approve the same. If the Mayor has neither signed a measure nor returned it to the City Council within 10 days following the date it was presented to the Mayor, the measure shall be deemed approved and in full force. ~~To override the Mayor's objections, a two-thirds vote is required. Further, the failure of the Mayor to submit his their disapproval of the measure with written objections within ten (10) days after it is presented to him them shall be deemed valid and in full force and effect.~~ This section shall not apply to emergency measures as provided in Sections 2-9(a) and 2-9(b) of this Charter. **Motion to amend by Sharon Pollard, seconded by Dennis DiZoglio from “not less than 10 days” to “within 10 business days” and delete “no more than 30 days” - Unanimous – Motion to replace language with the language from the 2019 Charter Committee recommendation of Section 3-6 by Jennifer Kannan, seconded by Eleni Varitimos – Unanimous.**

Section 3-7. Temporary Absence of Mayor.

(a) Acting Mayor - Whenever, by reason of sickness, absence from City or other unexpected cause, the Mayor shall be unable to perform the duties of his office for a period of three (3) successive working days or

more, the City Council shall appoint from among its members an Acting Mayor to serve in the Mayor's absence.

***** *The CRC agreed to table deliberation of this section.***

(b) Powers of an Acting Mayor - The Acting Mayor shall have all the powers of the Mayor except that ~~he~~ **the Mayor** shall not make any permanent appointment or removal to or from any office, **board or commission**, unless the disability of the Mayor shall have continued for sixty (60) days or more without having resigned, nor shall he approve or disapprove of any measure passed by the City Council unless the time within the Mayor must act would expire before the return of the Mayor. **Motion to accept as amended by Eleni Varitimos, second by Sharon Pollard - Unanimous**

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Section 3-8. Vacancy in Office of Mayor.

(a) Special Election - If ~~Whenever~~ **Whenever** a vacancy occurs in the office of Mayor **by death, removal, resignation, or any other reason during** the ~~occurs the first year~~ **12 months** of the term for which the Mayor is elected, ~~whether by reason of death, resignation, removal from office, incapacity, or otherwise,~~ the City Council shall forthwith order a special election to be held **as prescribed in MA General Laws Chapter 43, Section 59-A and Article 3-8 (a) of the Charter of the City of Methuen,** ~~within sixty (60) days following the date the vacancy is~~ **declared by the City Clerk** created to fill such vacancy for the balance of the then unexpired term. **Between the date of the vacancy declared by the City Clerk and the certification of the results of the special election, the vacancy in the office of Mayor shall be filled as provided in Section 3-7 (a). The candidate elected as Mayor in such special election shall be sworn to office immediately upon certification of the results of the special election.**

(b) Council Election - If a vacancy in the office occurs ~~in the second year~~ **following the first 12 months** of the term for which the Mayor was elected, ~~whether by reason of death, resignation, removal from office, or otherwise,~~ a meeting of the City Council be called forthwith and they shall elect, by a majority vote, one of its members as Mayor for the unexpired term. Failing to so elect at said meeting, or, thirty (30) days thereafter, the Chairman of the City Council shall become Acting Mayor for the unexpired term. Upon the qualification of the City Council member or Chairman of the City Council as the Mayor under this section, a vacancy shall exist in ~~his~~ **their** seat on the City Council which shall be filled in the manner provided in Section 2-6.

(c) Powers; Term of Office - The Mayor elected under Section 3-8(a) or 3-8(b) shall have all the powers of the Mayor. He shall serve for the balance of the term unexpired at the time of ~~his~~ **their** election to the office.

*****The CRC decided to continue to discuss Section 3-8 – Vacancy of the Office of Mayor at their next meeting.**

Section 3-9. Terms of Office – Department Heads.

The terms of office of Department Heads of the City of Methuen shall be three years. **Department Heads shall be defined in the Municipal Code.** ~~The term “Department Heads”, as used herein, shall mean the Fire Chief, Director of Public Works, Veterans’ Service Agent, City Clerk, Treasurer/Tax Collector, and the Executive Director of the Council on Aging and such other officers who may be designated as Department Heads under City ordinances. (Approved by the voters November 5th, 1996; see Resolution~~

~~#3745 and Chapter 148 of the Acts and Resolves of 1996).~~ **Motion to accept as amended by Jennifer Kannan, seconded by Dennis DiZoglio – unanimous.**

Respectfully submitted,

Lisa Yarid Ferry
Assistant City Council Clerk