

April 12, 2016
100 Walnut Street, Room 210
7:30-9p.m.
Round Table ~ City Councilors from Other Municipalities
Meeting Minutes

Attended by: John Hanlon, President Everett City Council (Past Everett Charter Commissioner), Councilor Anthony DiPierro (Everett City Councilor), Councilor Robert Penta (former Medford City Councilor for 36 years, former Medford Charter Commissioner). Councilor Gary Marchese (President, Waltham City Council, 19 years)

Opening Remarks by Rhanna Kidwell. Introduces Commission and guests and briefly describes their backgrounds. Howard Haywood gives Newton's background and highlights topics we hope to discuss.

Opening Question from Howard Haywood: Everett went from 25 to 11 Councilors - how did that go, i.e. managing the work?

Hanlon: Most important thing: Used to have 22 committees and 25 people had served on about 3 each. With Board reduction, now have 4 committees (merged multiple former committees into umbrella committees, i.e. "Business Development"). 4 members serve on each committee and he serves ex officio on all of them. Everett uses "Committee as a Whole" for complicated topics to ensure feedback from entire council instead of committee only. Things now get done faster. Everett had a Council and a Board of Aldermen (bicameral). There was difficulty passing ordinances ~ with larger body, took a month if things went well, and sometimes would take several months and 4 meetings to pass an ordinance. Currently an ordinance can get passed in 3 weeks with a committee meeting in the middle. They meet every two weeks and things are easier. With the 25-person board, everyone wants to ask a question. Everyone still wants to ask a question, but now less time consuming.

Question from Brooke Lipsitt: In moving to smaller body and fewer committees, has the Council "shed" any duties?

Hanlon: No. The work they had done before is still being conducted. Some of the members were experienced. New councilors are coming along, and he tries to answer newcomers' questions before their meetings. No losses, just gains. Mostly the "cream of the crop" have come back. The work now is for the city - people are not motivated by enhancing their own political careers.

Penta: Advises every 4 or 5 years, have some kind of [charter] review written in charter. Times, people serving, finances will change. 42 years without a review does not speak well for Newton. In Medford, the first change from Charter Review was in 1978. City Management was not working out. People got signatures. He served as the Chair of the Charter Commission. Their situation was different. At first, they proposed 21 changes which did not go on the ballot for '81. However, By 1981, more issues arose. At that point, citizens undertook initiative petition for Plan A vs. Plan E (Executive), and this went on ballot. Plan A: changed in '86 and became operative in 1988. Describes audits of charter. Medford has 60,000 residents and 7 councilors elected at-large which he feels works well.

Encourages Commission to figure out which problems to focus on. Public needs to make comments. Listen to the things people are telling the Commission and offer meetings and public access. It's important to get the job done best. CC holds the key to making the changes and people are expecting a lot from the Commission. Recommends interfacing with the high schools.

RK: How much time do people meet in committees? What is the structure, how frequently do they meet, etc.

Marchese: Waltham is very busy too. The city has not done a charter review that he remembers - their charter is very old. They focus on open space and try to do things on council that promote growth and protection of resources, and invest in children and schools. Every major decision comes through City Council. They have a strong mayor and strong legislative branch: A saying w/their council is "The Mayor Proposes and the Council Disposes". They meet the 2nd and 4th Mondays of each month, about 21 times a year as committee and about 21 times as a council.

3 times a year they advertise and meet as "council, committee, council"- at strategic times in their overall schedule. This can be complicated by special permit process.

There are 7 standing committees and 1 "committee as a whole" for a total of 8. Committee nights begin with "committee as a whole". An ad hoc committee is looking at structure because the committee of the whole is perceived as dominating committee nights. The other 7 meet either before or after. "Committee of the Whole" meetings are not the same as city council meetings.

They televise the Committee of the Whole meetings, but there is not a lot of viewing unless reviewing something controversial. Describes using cable and broadcasting widely. Regarding having 24 councilors--it takes just 1 councilor to derail a meeting. We might want to consider anti filibuster rules. Can't imagine 24 - would be difficult to get work done. They have 5 members on each committee. The President appoints committee members, and President is ex-officio on each committee, & doesn't vote. Their strong Ad-hoc system is helpful because the 7 standing committees don't address all matters. For instance, they do not have a land use standing committee, so their land use issues are reviewed by ad hoc committee. Ad hoc is appointed by the Council President and sometimes by resolution. Advises that it is an important discretionary strategy to have ad hoc committees in addition to standing Committees.

They are looking at their committee structure, with no definitive answers yet. Committee of the Whole can be dominant on Committee nights. He as President tries to avoid referring matters to this body.

Rhanna asks for clarification about who meets on Committee Night and the role of "The Committee of the Whole"

There is a brief discussion about televising the meetings and TV audiences.

RK answers Penta's question about how our Charter Commission came about, and there is some back and forth about having 24 councilors.

Penta brings up review covenant again. RK emphasizes a main question for the Commission is about how smaller councils can accomplish their work.

Anne Larner asks about how smaller councils handle [time consuming, cumbersome] special permits.

Marchese: Waltham has had problems with special permit process but it is more under control now with a strong chair of the Rules and Ordinances committee, and attorneys who understand the procedures. The Council has special permit granting authority. City Council has [a special permit] public hearing, then Rules and Ordinances Committee reviews. The R&O 5 member Committee is the busiest, and they do not yet do pre development review. Instead petitioners follow rules from the City Council Rule book. Reviews start in pretty good form, but he thinks that someone should review special permits first for issues such as missing stamps, signatures on prospectuses, etc. They do their best to "attack" these projects to adhere to time limits.

Everett: Does not have special permits granted. City Council creates legislation that gets passed by the Mayor, and they work via licensing section, Board of Appeals, Board of Assessors, Board of Health, etc. Zoning Board would

grant licenses (not special licenses). Council oversees items required by General law (40A). If not covered by Boards, they Council creates legislation to get a Board authority to get something passed.

Everett Councilors are paid 15K.

BL asks Everett about extensions/non-conforming structures.

Everett says the Planning Board is authorized to handle, otherwise cases would go to Zoning Board of Appeals. The Planning Board is appointed by the mayor and approved by the council. Board members earn stipends.

BL questions whether planning Board has [exceptions] authority via charter, because the default position is the legislature. This is not outlined in the Waltham Charter. RK points out that Collins Center has shared that no MA charters specify special permit granting authority.

Marchese: ~likes the compositions of the boards, the range of professional experience and insights on the boards. The people on the committees are selected by the mayor and approved by the council. Terms are staggered at discretion of mayor, but there are terms.

Penta: Describes cost factors for special permits, i.e. hiring lawyers if permits denied, then having an appeal. Bringing some decisions to city council instead reduced the stress. The body and the department heads are helpful and most things became "miniscule". Common sense should prevail.

CS: Confirms with Penta that having the council make the decisions reduced individuals' legal costs.

Penta: Mentions that City Counselor has conflict of interest with Board of Appeals - also represents Council and Mayor. Recommends stipend be allocated for City Council counsel.

JK: Is staff dedicated for city council or working for Mayor and what is the Council's relationship with staff?

Marchese: Waltham struggling with staff due to death, retirement, sickness. A Clerk and Asst. clerk, and assistant to the City Clerk are elected by City Council via charter.. These are the main staff. Committee night can get hectic because clerks are needed each for each meeting. Treasurer and Auditors fill in and receive stipends. There are others in the clerks office who work on elections and keep records.

HH asks DiPierro's observation about working on smaller (vs. larger board).

DiPierro: Everett was motivated to streamline given the bicameral structure, and it had been very easy to get elected. Some people slipped through the cracks and keep getting re-elected. They are all now elected at-large, which he supports so they all take interest in all city topics.

KM: Who fields questions for constituent services with smaller concerns, i.e. cracks in the sidewalk, potholes, streetlights?

Marchese: Look at make up of 9 Ward and 6 at-large councilors. More ward councilors makes things a little more manageable. There is a parochial reward issue. Ward councilors advocate for yes or no, and his vote is usually honored. The other ward councilors follow suit, so they in turn are supported when their votes come up. If the ward councilors support each other, a lot gets done.

Hanlon: An itemized worksheet is always the last thing on the Council agenda, and items are referred to the departments.

Marchese: The Waltham Council “never EVER” take up those issues. Those are ward and department head issues. Special permit, budget, finance very dominant in Waltham. Departments and ward councilors can deal with these issues outside of city council. Citizens can easily report outside of city council.

Discussion about whether constituent concerns are docketed. BL says she never saw these items are on the docket [in Newton]. Sometimes the concerns go to councilors or are docketed in Everett.

DiPierro: He sometimes facilitates constituent concerns, i.e. provides a hand off to Mayor’s office, but thinks constituent services are not a good use of their time in Council.

Hanlon: Council is trying to write ordinances that help improve the whole city - i.e. re: how electric companies put up double poles.

Penta: Wishes to comment on ward vs. at-large councilors, and thinks at-large councilors provide better service. No one should call City Council with constituent services. Councilors step in if their constituent response program fails. Penta thinks 9 to 11 councilors is plenty, and says it is important to consider salaries. Ask candidates: Why are you running and why do you want to be ward vs. at-large?

Advises the Commission gets as much feedback as possible before submitting their report.

RK: Please estimate the hours per week you spend on your council work, and please break down the time.

Hanlon: Does not record the time, but it is a lot of time as President. There are civic functions, school events, events for the elderly, etc., so he estimates close to 40 hours per week. He spends more time now than before because of having only 4 committees.

As an aside, emphasizes the importance of access to information and open meeting law. He is on the charter review commission, and understands now that there cannot be discussion of items that are not on the calendar. Advises the Commission uses careful wording because the charter review is uncovering problems with the most recent charter.

DiPierro: The time and breakdown of hours depends on individual. There are regularly scheduled meetings and committee meetings he often wants to attend, and events such as a hotel groundbreaking. He wants to stay connected via social media and is accessible 24 hours a day~ treats as a full time job.

Penta: Committee meetings could take a long time, and he went to many meetings. He’d say approx. 30 to 35 hours a week, with his priority being research, and using social media for research nation-wide.

Marchese: is a practicing attorney so cannot devote 30 hours, and as a councilor gets paid 15K & has health benefits. New councilors are not getting health insurance benefits now. (mayor has interpreted charter that way).

Advises not to fear constituent services increasing because they can be managed, and that committee structure is more of a concern. Committee nights and research are most time consuming. Rules and Ordinances committees and certain others are the busiest by far. He spends 4-5 hours a week on constituent services because he has access to department heads and the Mayor. He stays out on average until 10pm on Council night and Rules and Ordinances can stay until 11p.m. on Committee night. Rules and Ordinances members spend 15-20 hours a week. (response to BL’s question).

Hanlon: A 4 member special committee focused on opioid abuse has been formed, bringing additional hours for some councilors.

Anne Larner: Which percentage of your councilors have full time jobs?

Marchese - 90% work full time but he has flexibility.

Penta - 6 out of 7.

Hanlon: 7 out of 11 have full time jobs. DiPierro is still a student.

Penta: Wishes to bring up healthcare as an issue that warrants focus. MMA (MA Municipal Assoc) wants to bring health insurance to all MA cities and towns. Mentions Unicare, and the question that has been raised whether elected officials considered employees or not? Mayor supposedly has authority to allow public officials to have/be eligible for healthcare. In Medford, the Mayor at one juncture grandfathered out new councilors. City Solicitor then learned that the elected officials are municipal employees and were therefore eligible. Costs have tripled. This is a very controversial issue that wasn't discussed in Medford. Are city officials municipal employees? What are they legally entitled to? Like state positions, hours not a factor.

Hanlon: Everett's charter specifies that city officials cannot participate in life and health insurance programs. Insurance for officials was eliminated as part of their charter review.

Pierra; 2 on their council had 10 or more years of experience, and were grandfathered in/are still receiving benefits which he describes as "unfair".

Penta: What about retirement benefits? Why cut health but not retirement? He thinks it is ridiculous that the elimination of healthcare benefits passed in Everett.

CS Question: How does Council parse Neighborhood vs. City issues. How do you weigh the two?

Marchese: Avoid gridlock. A measure is if you get a lot of work done. Constituent work goes to the ward councilor. 9 ward councilors do get a lot done. A strong ward elected at-large councilor can still be dominant. He likes having majority of ward councilors (versus at-large).

Penta: The Medford Council is all at-large. They are looking at issues together, so it is less likely that one ward representative could be isolated. They serve one city, and should not to look after just one area.

DiPierro: Agrees with Councilor Penta.

Hanlon: Agrees with DiPierro. When they had bicameral form, aldermen, one was at-large, and the rest were by ward elected at-large. Sometimes there were problems about what they were overseeing, but they have evolved. All people need help with their issues. Everyone serving at-large has eliminated the feeling of not getting involved.

Comment from man in audience, Anthony Meduci, who agrees with Penta. However, he thinks people have a better shot of winning a ward seat. Difficult to unseat at-large incumbents who have no term limits.

DiPierro: Shares concerns that ward elections disenfranchises voters. In November, he lost Ward seat. City-wide, ward doesn't have much of a say.

Councilor Penta describes "walking the city".

Hanlon: DiPierro beat an incumbent.

JK asks about whether there were elected officials on the Everett and Medford Charter Commissions.

Hanlon: Everett could have no more than 2 former elected officials, and didn't have current office holders.

Penta: No elected officials.

RK asks about the Council's role with the budget process and committee system.

Hanlon: The Council approves but cannot allocate funds. Mayor gives budget, and the Council can cut but not add unless something has been omitted accidentally. Years ago, the Council invoked a 10% cut across the board, and a 100K cut once in the 70's or 80's, and none since then.

AL: That was before Prop 2.5.

Hanlon: He presented a budget that was high by about 3M when he was Mayor. It was the Council's job to cut it, but it was approved by default.

Marchese: This is similar in Waltham, and/but they do take cutting sessions seriously. There are deadlines or budget is by default approved. Finance Chair sets aside a day for "budget cutting session" Dept. heads talk to the Finance Committee and sometimes there are cuts. These are approved on the Council floor, then budget is approved. School Committee budget is more hands off. They consult with the Superintendent (no personnel) during the budget cutting session, but "don't do much with that budget"-only on the city side.

Penta: recommends making budget line item specific with line item #'s which is easier for cuts. Don't just cut "x" from the top. Mayor can take out anywhere, so use exact language about where cuts should come from. Only the Superintendent of Schools meets about the budget, though they would like School Committee members to participate. Money makes the city run. Checks and balances important. The School Committee should meet with the Council to review their budget.

Penta: talks about loving public service. Makes point that streetlights do not belong on the council agenda. City Administration is responsible.

DiPierro: That attitude is supported by his Mayor. Wants Constituents Service Director handling those issues. Discusses 311 program and that people should call, go online. Elected officials need to go that route.

RK: Some councilors are elected truly at -large. In Medford, especially, can there be imbalance with neighborhood representation?

Penta: This was a concern during campaign, but not to the point that they wanted to change, so the answer would be no.

Wants to talk more about budget. Department heads provided wish lists on budget, which was enlightening. Are things sometimes not included? Mentions "budget patrol". Brookline provides best example of how to put a budget together.

Hanlon: In [Everett] charter, Mayor is required to include a 5-year CIP and it is a good idea to follow and track it. This works very well.

BL Question: Can the Everett Council endorse or amend the CIP?

Hanlon: No. The Mayor can be chastised or the Council can say they don't like something, but there is no authority to add or delete.

Question From BL. Mayor Cohen mentioned importance of access to accurate information about the city's Fiscal Condition. Does Everett have tools in place to keep you well informed?

Hanlon: The Charter says that City Council shall hire outside auditor and audit deals.

Penta: The Mayor chooses the auditor, but he does not feel there is adequate information. There are rules, but they mean nothing if they are not being followed.

Marchese: Bring documents to the table for transparency--it is beneficial to go more in depth with finances.

DiPierro: Additional items from Mayor need to be debated with Council.

Hanlon: Asks where we are in the Charter Review process and RK explains we are approaching Article 2 and have done work with 4 other article reviews.

Penta: Recommends getting legal counsel when completing the charter. Don't let consultants have undue influence. Be careful with drafting, and make sure to have clerks.

Meeting Closes, 9:10p.m.