

Meeting Minutes Committee on General Government

March 6, 2023

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Meeting Recording:

https://us02web.zoom.us/rec/share/VKPPip6TjqkHx6ET2zSjTaMO4ipo_Ad3XiF7IOJa6vPQ-Xz_85rr8_97wui3W4Ec.bmBIbVz5dapNahl?startTime=1678141535000

Members

Heather Shand, Chair
Byron Lane, Councilor Ward 6
Bruce Vogel, Councilor at Large

Other Participants

Sharif Zeid, Councilor Ward 1
Jennie Donahue, Councilor Ward 2
Christine Wallace, Councilor Ward 4
Jim McCauley, Councilor Ward 5
Afroz Khan, Councilor-at-Large

Agenda

- [ORDR00423](#) Resolution in support of Changing the State Flag and Seal of Massachusetts
- [ORDR00429](#) Amended City Council Rules 2023 (COTW)
- [ORDR00415](#) Brown School Ad Hoc Update

Meeting called to order at 5:30.

ORDR00423 Resolution in support of Changing the State Flag and Seal of Massachusetts

Chair Shand describes the resolution in support of Changing the State Flag and Seal of Massachusetts.

Public Comment

Marianne Vesey, Linda Lu Burciaga, Carol Wagan, Deb Mously, John Burciaga, Mary Pellitier, Marty Chalmers, Owen Smith – all spoke in support of the resolution.

Councilor Vogel asked about the genesis of the historical narrative contained in the resolution. Chair Shand replied she had adopted language from the petitioner, Linda Lu Burciaga, when crafting the resolution.

Councilor McCauley indicated he supports modernizing our symbols. In the proposed resolution, he found some of the historical language problematic in terms of fact and context. He proposed revised language.

Councilor Shand reconciled language in both versions. The committee voted 3-0 to recommend the amended version to the full Council.

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ORDR00429 Amended City Council Rules 2023 (COTW)

Chair Shand provided background on the rules order. She opened dialogue with a review of Rule 28, Council Group Email. This rule establishes use of citycouncil@cityofnewburyport.com by citizens to communicate with the entire council using a single address.

Councilors Khan, Donahue, McCauley, Zeid and Vogel asked questions and shared thoughts. Each recognize it as a best practice and acknowledge many other cities use a similar convention. They questioned whether this needed to be included in the rules document because it is an operational matter. The general consensus was that if it was to be kept in the rules, the final sentence, "It is not to be used for any deliberation as defined in G.L. 30A et al." should be removed.

Committee agreed to keep Rule 28 with the final sentence removed.

Rule 29 was offered to specify requests for information related to an investigation by councilors to department heads must be made through the City Clerk and Council President.

Chair Shand explains this was added at the request of the Human Resources Director. The HR Director has received one or more complaints that some council requests are deemed "fishing trips" by the department heads. Shand indicated she does not want the Council contributing to a toxic work environment.

There was significant discussion among all the councilors present. Many noted the continual need for information regarding matters in committee (where requests are made through the respective chair), or by ward councilors on behalf of constituents, or during budget season. They asked whether all these requests would need to be made through the Clerk and Council President.

Many noted similarity between this rule and section 2.7 of the city charter, Access to Information. Councilor Zeid noted section 2.7 pertains to an investigation by the legislative branch that compels the executive branch to provide information. His recollection is that section 2.7 has only been invoked 2 or 3 times during his 8 year tenure on the council. He tried to underscore the difference between routine requests for information to process council business and the type of investigation covered by section 2.7.

Councilor Vogel drew a distinction between requesting information regarding a matter that is before the full council or a committee, versus requesting information independent of that context.

Councilor McCauley shared he is at the center of the HR complaint. He noted it came from a department under the purview of the Community Services Committee he chairs. McCauley stated that sometimes you do not know if there is the need to bring a matter before the council without asking exploratory questions. He cited the recent inquiry into the Parks Conservancy as an example.

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Councilor Wallace asked whether this was an appropriate topic for a public meeting and suggested it would be better to address personnel matters between the principals rather than in open meeting.

Chair Shand indicated she is comfortable removing Rule 29. She also noted that Council needs to respect people who work in the Administration.

Committee voted to remove Rule 29 from the document and voted 3-0 to recommend approval of the amended rules to the full council.

Public Comment

Jane Snow expressed deep concern about the process. She indicated this was the second time she has attended public meeting where a personnel matter was discussed. Ms. Snow believes matters like these should be discussed in executive session versus public meeting.

ORDR00415 Brown School Ad Hoc Update

Committee agreed to receive and file ORDR00415, 3-0

Chair Shand explained her intention with regard to an RFI (Request for Information):

- Keep the matter in committee for a few months.
- Bring it into the full council to discuss priorities.
- Highlight key considerations such as the benefit of selling versus leasing the property.
- Seek agreement on the gym, for that will direct dialogue on most of the other options.
- Solicit financial context from the Finance Director.
- Invite public comment.

Councilor McCauley indicated he had prepared a 3-page order to formally sever the 1925 and 1974 additions from the 1970 addition. The 1925 and 1974 buildings would be designated for development and the 1970 addition (the gym) would be retained by the city as community space.

He asked if he could submit this as an order. Chair Shand replied he could submit it as a communication.

Councilor Zeid agrees with the “reset”. He advocates orienting discussions around the specific votes the council will need to take, such as declaring the building as surplus.

Councilor Vogel, who chaired the recently disbanded ad-hoc committee agrees on a practical approach.

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Public Comment

Stephanie Nikotek, Susan Brown, John Weston, Margo Casey, Julie Menin, Matt Coughlin and Mia Young all spoke in support of using the Brown School for affordable housing.

Committee adjourned at 7:00 pm