



**RECEIVED**

By City Clerk at 12:38 pm, Jul 09, 2024

City of Amesbury  
Office of the City Clerk  
62 Friend St.  
Amesbury, MA 01913

## City Council Ordinance & Administration Subcommittee Meeting Minutes

May 20, 2024, at 7:00 PM  
City Hall Auditorium- 62 Friend St.

Councilor Gilday called the meeting to order at 7:00 PM

**Roll was called and present were:** Councilor Gilday, Councilor Rinaldi, and Councilor Wheeler

**Also Present:** Attorney Bethany Raffa, Police Chief Craig Bailey, Deputy Police Chief Lauren Blatchford, Attorney David Jenkins – KP Law, and former member of Amesbury Board of Selectmen Sally McKay.

### **Minutes for Approval: February 22, 2024**

- Councilor Gilday noted corrections regarding the wording of the “Communications and Updates” section, clarifying language concerning dangerous dog hearings, and pointing out a minor typographical error.

**Councilor Wheeler offered a motion to approve the minutes from the April 1, 2024 meeting with three revisions. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).**

**Communication and Updates:** None at this time

### **Public Comment:**

- Steve Stanganelli (12 Amidon Ave) Addressed the proposed City Council Rules package, spoke in favor of a consent agenda, asked questions concerning specific wording of the rules and sought clarification on whether the Joint Education Committee requires a separate piece of legislation to be passed before being re-established. Councilor Stanganelli also drew attention to a typographical error, noting that ad hoc does not require a hyphen.

**Councilor Wheeler made a motion to suspend the rules and take 2024-057 out of order. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).**

**2024-057** An Act Exempting the position of Deputy Police Chief in the City of Amesbury from the provisions of Chapter 31 of the general Laws – **Mayor Sponsor**

- Police Chief Craig Bailey spoke in favor of 2024-057 (**See Attachment**).
- Councilor Wheeler asked for clarification from David Jenkins of KP Law concerning whether the City Council is passing an Act, or if the Council is requesting the State Legislature to pass an Act. Attorney Jenkins responded that the intent is not to pass an Act, but to authorize an Act to be presented to the State Legislature by the city.
- Councilor Gilday invited former Board of Selectmen member Sally McKay to give historical perspective on the original vote (**See Attachment**).

**Councilor Wheeler offered a motion to return 2024-057 to the full City Council with a positive recommendation with a change in the title to read “An Order requesting the passage of an Act Exempting the position of Deputy Police Chief in the City of Amesbury from the provisions of Chapter 31 of the general Laws.” The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).**

Councilor Wheeler made a motion to suspend the rules and move 2024-002 to the end of the agenda, taking 2024-058, 2024-065, and 2024-066 out of order. Councilor Rinaldi seconded, and the motion passed unanimously (3-0).

**2024-058** An Order of the Amesbury City Council to approve and accept a Preservation Restriction Agreement on property located at 6 Center Street, Amesbury, and to authorize the mayor to execute said Preservation Restriction Agreement on behalf of the City of Amesbury – **Mayor Sponsor**

- Councilor Gilday read the positive recommendation from the Planning Board.

Councilor Rinaldi offered a motion to return 2024-058 to the full City Council with a positive recommendation. The motion was seconded by Councilor Wheeler and passed unanimously (3-0).

**2024-065** An Ordinance to Amend the Amesbury Zoning Map to extend the R-40 Zoning District along Haverhill Road – **Mayor Gove, Councilor Redfern Sponsor**

Councilor Wheeler offered a motion to continue 2024-065 to the next regularly scheduled Ordinance and Administration meeting in June. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

**2024-066** An Ordinance to Amend the Amesbury Zoning Ordinance and Zoning Overlay District Map to make changes to the Amesbury Gateway Village Smart Growth Overlay District (AGV-SGOD) - **Mayor Gove, Councilors Corcoran, Frederique, Gilday and Redfern Sponsors**

Councilor Wheeler offered a motion to continue 2024-066 to the next regularly scheduled Ordinance and Administration meeting in June. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

**2024-002** Session 14 City Council Rules & Procedures

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024 under Rule 11A, in the second line of the highlighted sentence in the first paragraph, to strike “shall” and replace it with “may.” The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024 under Rule 11A, in the third highlighted line of the third paragraph, to strike “transcript” and replace it with “audio.” The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Rinaldi offered a motion to make an amendment under rules draft dated May 19, 2024 under Rule 11A, in the second line of the highlighted sentence in the first paragraph, to strike “1st” and replace it with “first.” The motion was seconded by Councilor Wheeler and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024, in the last line of Rule 11B, to strike the last sentence and replace it with “A report out to the Council shall be provided no later than one month following each meeting.” The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024, to strike the last sentence in Rule 5B and replace it with, “Dangerous Dog Hearings shall be separate from regular City Council meetings and shall instead be heard at a Special City Council Meeting scheduled for that purpose.” The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024, to move the last highlighted sentence of the first paragraph of Rule 6O to the end of the section. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024, under Rule 11B, to insert “City” before “Councilor” in the last sentence of the second paragraph. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to return 2024-002 to the full City Council with a positive recommendation, including all amendments, with the three members of the Ordinance and Administration Committee to work on co-sponsoring a final version of the rules. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

- Councilor Gilday addressed the issue of non-Council member status and read correspondence from KP Law recommending the City Council not designate the non-Council members of City Council Committees as Special City Employees.
- Attorney Bethany Raffa clarified that she would be unable to continue serving in the Ordinance and Administration Committee if the city could not designate her as a Special City Employee due to work conflicts

Councilor Wheeler offered a motion to reconsider 2024-002. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to make an amendment under rules draft dated May 19, 2024, under Rule 11A, to strike text under Advisory Members and to amend the second paragraph by inserting a colon after “there shall be three Standing Committees of the City Council” and striking all text after. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

Councilor Wheeler offered a motion to return 2024-002 to the full City Council with a positive recommendation, including all amendments, with the three members of the Ordinance and Administration Committee to work on co-sponsoring a final version of the rules. The motion was seconded by Councilor Rinaldi and passed unanimously (3-0).

#### Adjourn

Councilor Rinaldi made a motion to adjourn at 9:03 PM. Councilor Wheeler seconded, and the motion passed unanimously (3-0)

Respectfully Submitted,

*Jess Manning*

May 22, 2024

- Good evening, my name is Craig Bailey. I am a 52-year resident of Amesbury and 30-year employee of the city. For the past 27 years I have been a police officer and for the past 3.5 of those 27 years the City's Police Chief. As you may know I am here today on behalf of the city, requesting the City Council help me in formally exempting the position of Deputy Chief of Police from Mass Civil service, commonly referred to as Chapter 31. The exemption of the Deputy Chief through a legislative act is a process that many communities have followed and one that the State legislature has endorsed. Currently at least two departments, Worcester, and Wrentham, has special legislation pertaining to the office of Deputy Police Chief that is passing thru the Legislature as we speak.
- Keeping the Deputy Chief position out of civil service is a good policy on the part of the City. Experience has shown, especially at the top ranks of the department, that the civil service process does not always produce the best candidates for the PD. My goal, and the goal of the Mayor, is to provide the citizens of Amesbury with the best police department that we are able to provide. We believe that the best candidates for high management positions in the PD would best be filled using our own internal processes and not those of civil service. I can attest through years of experience dealing with the challenges of Civil Service that an internal promotion process is to the benefit of the Department and the community at large. I would also like to note in 1994, when the Police Chief position was taken out of Civil Service, it was the intent of the Lawmakers at the time to include the Deputy Chief of Police. This was documented at town meetings, and I have provided copies of that documentation. I have learned It was also the intent of the lawmakers, that when they used the language "Office of the Chief" it was their intent to include the Deputy Chief of police in that Civil Service exclusion.
- Recently, upon the promotion of Deputy Chief Lauren Blatchford, a member of the Superior Officers Union questioned whether the position of Deputy Chief should, or should not, be considered a civil service position. This was formally brought to the attention of the Civil Service Commission by that member and as a result they have launched an inquiry.
- Please note, the proposal before you does not affect the civil service rights of any current or future member of the police department AND It has no effect on current collective bargaining agreements.
- The state Appeals court in the case of City of Everett v Commonwealth Employment Relations Board has ruled that the process by which management positions outside the coverage of the union are filled is not a process that should be bargained. This process is an inherent management right.
- I have brought a representative from KP law, Attorney David Jenkins, who has been working with me on this, in case you have any questions for him. I have also asked Sally McKay, a former member of the 1993 Amesbury Board of Selectmen to speak on behalf of this Act. It is the City's intention that this position stay out of Civil Service as the original 1994 lawmakers had intended. To ensure this happens we have filed this request to have the City Council approve the filing of a home rule petition to exempt the Deputy Chief of Police, like the Chiefs position from Civil Service.

May 20, 2024

Letter to the Ordinance Sub-Committee  
of the City Council  
Amesbury, Massachusetts

Dear Counselors:

Chief Bailey contacted me recently regarding my remembrance of the vote taken in May, 1993 concerning the removal of the positions of Chief and Deputy Chief from the provisions of the Civil Service Regulations. I distinctly remember the vote and the discussion. The Chief approached the Board of Selectmen with a request to remove these two positions from the CS dictates. It was unusual for the Chief to make such a request and more so because it would not effect him but future appointees.

The Town Meeting Warrant Article clearly represents the intent of the Board and the motion made and approved by the town embodiment very clearly expresses that the Chief and Deputy Chief positions should be removed from Civil Service restrictions. A ballot was prepared as it required a town wide vote to approve this change. In the transition to the ballot question, I believe the Clerk interpreted the Office of the Chief to include the Deputy Chief and, therefore, used the language she did for the ballot question. I assert that the language should have paralleled the exact vote taken by both the Selectmen and Town Meeting.

I hereby confirm that the intent was crystal clear that both the positions of Chief and Deputy Chief should be removed from the Civil Service regulations. I urge you to recommend reaffirmation of the Town Meeting vote.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Sally A. McKay".

Sally A. McKay

Former Member of the Amesbury Board of Selectmen