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

Ad Hoc Committee of the Whole on Rules
March 20, 2024
7:00 PM – Costello Transportation Center

President Scott Mandeville called the meeting to order at 7:01 PM.

Roll call was taken, and present were Councilor Steven Stanganelli, Councilor Michael Hogg, Councilor Nicholas Wheeler, Councilor Pamela Gilday, Councilor Owen Corcoran, President Scott Mandeville, Councilor Jessica Redfern, Councilor Claudel Frederique, and Councilor Anthony Rinaldi.

Also present: Administrative Assistant Jess Manning

2024-019 An Ordinance to adopt changes to Amesbury City Council 14th Session Rules Rule 5B Meeting Schedule

- Councilor Wheeler voiced his belief that moving to one meeting per month would not lessen the workload but would result in one excessively long meeting.
- Councilor Stanganelli clarified that, under the current structure, it makes introducing first hearings on the second meeting useless because matters still require a three-week wait to be heard again by their relevant subcommittee.
- Councilor Gilday agreed with Councilor Wheeler, reiterating that one meeting per month would only result in one very long meeting. Councilor Gilday continued by stating that making dog hearings a separate meeting is just common sense and does not need to be written into the rules.
- Councilor Hogg said that he expects organizations to speak at public comment frequently, and they will attend both meetings. He also said that it makes sense to codify dog hearings in the rules for future council members.
- Councilor Corcoran agreed with Councilor Hogg on dog hearings, it would be helpful to codify the procedure for dog hearings.
- Councilor Rinaldi agreed with Councilors Hogg and Corcoran, and further stated that it is helpful for constituents to know that dog hearings are a separate meeting.
- Councilor Stanganelli stated that the intention of the proposed ordinance is to make one City Council meeting per month, with a separate meeting for presentations, etc. One set of committee meetings still defeats the purpose of two City Council meetings per month, as it does not ensure matters pass through relevant subcommittees faster.
- Councilor Wheeler agreed that codifying dog hearings is not a requirement but is helpful to do. His main issue is condensing to one meeting per month when each of the two meetings currently held goes 2-3 hours.
- President Mandeville expressed his displeasure at the language of some of the proposed rules changes.

President Mandeville called for a brief recess at 7:25 PM, returning at 7:28.

Councilor Rinaldi made a motion to send 2024-019 part one (codify dog hearings as separate from scheduled City Council meetings) to the Ordinance and Administration Subcommittee with a

positive recommendation. The motion was seconded by Councilor Hogg and passed 8-0 with one abstention.

- Councilor Stanganelli stated that the problem has been trying to push items into multiple meetings, causing great stress and creating difficulties in staffing and minute-taking.
- Councilor Wheeler said that, while he understands concerns on Council pace, his belief is that the current schedule does not stress staffing. Multiple meetings are not delaying minutes, that issue was more due to the Clerk's Office being understaffed.
- Councilor Stanganelli voiced his concern that the current meeting schedule makes it difficult for councilors to meet with people in-between meetings and build a consensus.
- President Mandeville agreed with Councilor Stanganelli's point that asking questions during the second reading defeats the purpose of subcommittees. Not every issue requires a second reading, but the City Council should avoid confusion with the public by being clear and implicit on such matters. He further stated that consensus-building should be taking place before the introduction of the bill, but second readings can be pushed back if necessary.
- Councilor Stanganelli pointed out that there is no need to set a second hearing date during initial referrals.
- Councilor Wheeler said that rules prohibit debate at the first reading. Furthermore, there is no second charge for continuances of a public hearing. It does not cause any undue financial stress to announce a public hearing and continue it to another day.
- Councilor Corcoran stated that it was difficult for new councilors to speak from experience on these issues.

Councilor Redfern made a motion to send 2024-019 part two (City Council shall meet one time per month) to the Ordinance and Administration Subcommittee with a negative recommendation. The motion was seconded by Councilor Gilday and passed 4-3 with Councilors Corcoran and Frederique abstaining.

2024-020 An Ordinance to adopt changes to Amesbury City Council – 14th Session Rules by adding Rule 5J: Attendance Relating to Public and Adjudicatory Hearings or Meetings

- President Mandeville read the ordinance into the record, stating that any member who misses a meeting during which a public hearing is held, then that member must fill out and sign a form at the City Clerk's Office verifying that they have reviewed any relevant materials to have knowledge of the item being discussed before being allowed to vote.
- Councilor Stanganelli provided background information on the proposed ordinance, explaining that this change and others were all proposed after extensive communication with the previous and current City Clerk, as well as Chief of Staff Ann Marie Casey.
- Councilor Hogg pointed out that specific meeting minutes may not be available to review, so Councilors who miss meetings should review any available documentation.
- Councilor Gilday read an email from K-P Law, in which they recommended City Council change the language from "public" to "adjudicatory."
- Councilor Wheeler pointed out that adding this item into City Council rules is not the proper vehicle for accepting this part of Massachusetts General Law, and that this item should come before the City Council as a separate order.
- Councilor Stanganelli expressed his displeasure with the quality of legal advice from K-P Law, and asked Councilors to keep this in mind when their contract is up for renewal.

Councilor Wheeler made a motion to send 2024-020 to the Ordinance and Administration Subcommittee with a negative recommendation. The motion was seconded by Councilor Gilday and passed 8-1.

2024-021 An Ordinance to adopt changes to Amesbury City Council – 14th Session Rules by adding Rule 5I: Remote Participation

- Councilor Wheeler pointed out that hybrid meetings cannot effectively be held due to technological limitations available to the city. If a councilor knows they are going to be absent, he should plan accordingly and request a meeting be held virtually. Furthermore, the state already allows the issues this proposed ordinance is trying to codify, so the city does not need to put it into the rules.
- Councilor Hogg Stated that it would simply be good practice to codify remote participation in case the state repeals their exception to open meeting law.
- Councilor Stanganelli pointed out that hybrid meetings are possible in certain spaces, drawing attention to hybrid meetings in the library during the COVID pandemic in 2020. It is good to have consistency with current law and provide a backup if the state repeals the law.
- Councilor Hogg voiced his belief that all meetings should be posted as in-person with a remote option. Just because Amesbury does not currently have the technology does not necessarily mean this proposed ordinance should not pass. Amesbury may well have the technology in the future.
- Councilor Gilday believed that it would be good to call in, but if no adequate technology is available then there is no reason to put this bill forward.
- Councilor Wheeler stressed that the hybrid City Council meetings at City Hall in 2020 were not workable. Additionally, if the state repeals the exemption to Open Meeting Law or lets it expire, then this proposed ordinance would be in violation of Massachusetts General Law.
- President Mandeville pointed out that the Amesbury Community Television feed of City Council meetings has at least a 12-18 second delay. An absent councilor cannot reasonably call in and rely on the ACTV feed.
- Councilor Frederique asked for clarification on whether the City Council needs to offer hybrid meetings as an option each time, to which Councilor Stanganelli replied that they do not.
- Councilor Stanganelli voiced his belief that “shall” in the language of the proposed ordinance does not mean that a hybrid option must be offered each time. Councilor Wheeler pointed out that, in law, “shall” is a dictatory term and does mean that the option needs to be offered.
- Councilor Stanganelli stated that City Council should have a lawyer in the room when discussing these matters.

Councilor Stanganelli made a motion to send 2024-021 to the Ordinance and Administration Subcommittee with a positive recommendation as presented. The motion was seconded by Councilor Hogg and failed (4-5).

Councilor Wheeler made a motion to send 2024-021 to the Ordinance and Administration Subcommittee with a negative recommendation. The motion was seconded by Councilor Gilday and passed (5-4).

President Mandeville called for a short recess at 9:21 PM, returning at 9:25 PM

2024-022 An Ordinance to adopt changes to Amesbury City Council – 14th Session Rules by revising Rule 6O: Objections and Postponement of Votes.

Adjourn

- Councilor Stanganelli clarified that the language of the proposed ordinance specifies that objections should be made before a vote is called for, after consulting with K-P Law.
- Councilor Wheeler voiced his support for this proposed ordinance now that it has been clarified.

Councilor Wheeler made a motion to send 2024-022 to the Ordinance and Administration Subcommittee with a positive recommendation, with the amendment that it Strike the text “the first sentence of the rule shall be changed to read” and replace it with “the first sentence of the rule shall be deleted and replaced with the following.” The motion was seconded by Councilor Hogg and passed unanimously (9-0).

2024-017 An Ordinance to adopt changes to Amesbury City Council – 14th Session Rules by revising Rule 11-A Standing Committees.

Councilor Stanganelli left the meeting at 9:59 PM.

Councilor Gilday made a motion to strike 11-A, items 1, 2, 3, and all of 11-A1. The motion was seconded by Councilor Corcoran and passed 6-1 with Councilor Frederique abstaining.

Councilor Gilday made a motion to amend 2024-017 to increase the committee size to be five members with three City Council members and two non-council members appointed by the council president, with voting rights for all five members. The motion was seconded by Councilor Hogg and passed unanimously (8-0).

Councilor Gilday made a motion to amend 2024-017 to require all presentations to City Council be done at a first reading, with committees able to request staff presence at committee meetings for subsequent questions or clarifications. The motion was seconded by Councilor Wheeler and passed unanimously (8-0).

Councilor Wheeler made a motion to amend 2024-017 to allow – under rule 11-A – any committee to meet as a Committee of the Whole, subject to council vote and approval, as necessary to review items which require a larger discussion. The motion was seconded by Councilor Rinaldi and passed unanimously (8-0).

Councilor Wheeler made a motion to amend 2024-017 to allow for audio recordings of committee meetings to be made available for review by City Councilors should they not be able to attend a committee meeting. The motion was seconded by Councilor Corcoran and passed unanimously (8-0).

Councilor Rinaldi made a motion to amend 2024-017 to allow for the current chair of a committee to remain chair of a Committee of the Whole if said Committee of the Whole is formed from their committee. The motion was seconded by Councilor Hogg and passed 5-3.

Councilor Wheeler made a motion to clarify that rule 2-B applies to the creation of ad-hoc committees – that the creation of such committee is subject to a vote of the City Council. The motion was seconded by Councilor Hogg and passed unanimously (7-0) with President Mandeville abstaining.

Councilor Rinaldi offered a motion to adjourn at 10:45 PM. The motion was seconded by Councilor Corcoran and passed unanimously (8-0).

Respectfully Submitted,
Jess Manning