



Northampton Special Act Charter  
Drafting Committee

*David P. Stevens, Chair*  
*Gail L. Perlman*  
*Madeline Weaver Blanchette*  
*Marc Warner*  
*Richard Greene*

*Todd Thompson*  
*William Scher*  
*Thomas Miranda*  
*Megan Murphy Wolf*

*Stephen McGoldrick, Deputy Director, Edward J. Collins, Jr. Center for Public Management, University of Massachusetts*

**Thursday, January 12, 2012**  
**5:00 p.m. – 8:00 p.m.**  
**City Council Chambers**  
**Wallace J. Puchalski Municipal Building,**  
**212 Main Street, Northampton, MA**

**Agenda:**

Working Sessions of the Special Act Charter Drafting Committee

**Chair David Stevens called the meeting to order at 5:00 p.m.**

Members present: David Stevens, Madeline Weaver Blanchette, Megan Murphy Wolf, Todd Thompson, Richard Greene, Gail Perlman, Thomas Miranda, Stephen McGoldrick, William Scher, and Marc Warner. Clerk Mary Midura was absent. Emily Odgers, North Street Association videotaped the meeting.

**Public Comment:**

Emily Odgers stated that the Charter should have safeguards that if the Mayor is not able to perform duties. Ms. Odgers stated she is passionate about free petition. In future, help minorities for racial, religious, transgender – free petition open for groups not represented by City Council.

Marc Warner stated that previous Charter proposals suggested City Clerk be appointed position; do not want to sink this Charter. Issue is not about Ms. Mazza, incumbent would serve out term.

Todd Thompson stated the wisdom to recommend a Commission to study compensation issue; conflicts of interest or confusion, some can be complicated. Thomas Miranda stated that compensation starts with the Mayor – some subject to City Council, but benefits, pension, health mandated by State. Bill Scher stated that transparency is valuable; a Commission could give City Council good public reasons if recommend any increases. Consensus was not reached.

There was discussion regarding proposal by Councilor Freeman-Daniels for Water and Sewer fees to be set by City Council. There was further discussion regarding City Boards and Committees' appointments made at City Council meetings.

**The Committee recognized Barry Roth, citizen (9-0).**

Mr. Roth stated that issues are often decided before they appear before City Council; views of citizens often not heard. The "pro" position is presented at City Council. If the "cons" are not part of the Charter, some would feel they are not heard. Look at the records, need minority reports and need to see that "cons" are presented.

David Stevens noted that the City Council can disagree, but this Committee does not recommend this issue be placed in the proposed Charter.

Members reviewed their narratives to be completed by Sunday, January 15, 2012 to be sent to Chair. Comments should not be discussed in email. Next meeting is scheduled for January 17, 2012 to prepare for January 19, 2012 City Council presentation of proposed Charter.

**The meeting adjourned at 7:08 p.m.**

*Minutes by Viewing of Videotape  
Respectfully submitted,  
Mary L. Midura  
Executive Secretary*

# NORTHAMPTON SPECIAL ACT DRAFTING COMMITTEE

## DECISION TOPICS

### City Council

Composition

Term

Term Limit

Vacancies

Confirmation Powers

Multiple Member Bodies

Employees

### Mayor

Term

Term Limit

Vacancies

Appointing Authority

ROLE OF MAYOR CHAIRING CC/SC

### School Committee

Composition

Term/Staggering Issue

Vacancies

Term Limit

### Other Elected Officials

City Clerk

### Elections

Preliminary

Signature Requirements

### Citizen Participation

Inclusion/Signature Thresholds

Free Petition

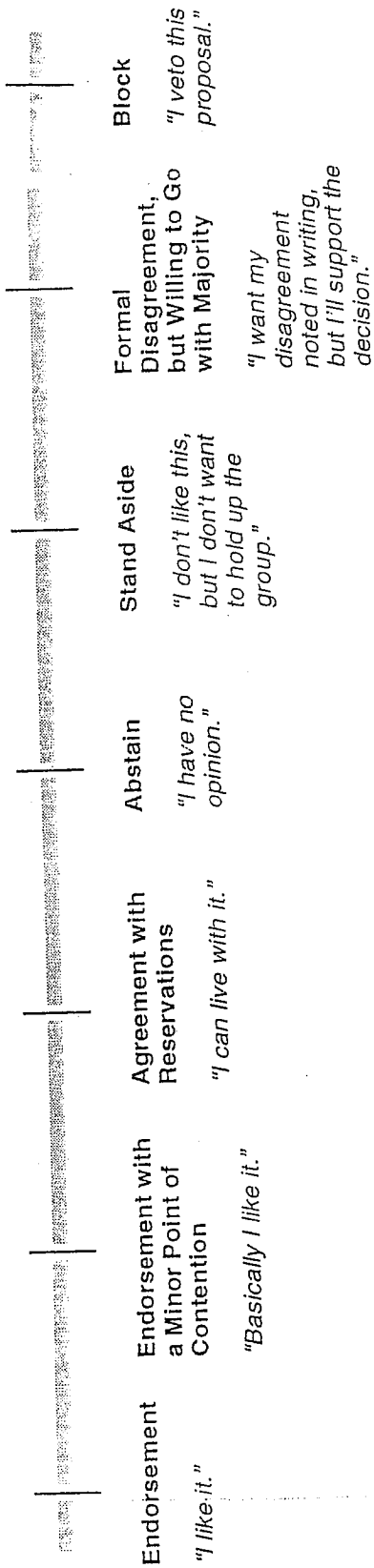
Initiative

Referendum

Recall

### Elected Official Compensation

# GRADIENTS OF AGREEMENT



## Mary Midura

---

**From:** Todd Thompson [tkthompson@yahoo.com]  
**Sent:** Thursday, January 12, 2012 9:30 AM  
**To:** Bill Scher; Mary Midura; dpsjkr@comcast.net; gperlman@comcast.net; mwblanchette.law@gmail.com; marc@warnertransportation.com; meganmurphy.wolf@gmail.com; egreene20@comcast.net; stephen.mcgoldrick@umb.edu; tommiranda@comcast.net  
**Cc:** Todd Thompson  
**Subject:** proposed compensation language

Again, to allow for more thoughtful discussion this evening, I thought I'd circulate some language for a friendly amendment to David "compensation commission" language.

Given the Council's historical reluctance to address this inherently conflicted and politically charged issue in a forthright and transparent manner, I would propose a simple default clause that would restrict the ability of the Council to defer and obfuscate by requiring each new Council to publicly vote on fully-detailed compensation packages for ALL elected officials. Something to the effect of:

Proposed language: *"The first order of business of each newly seated Council shall be the approval by a simple majority of the compensation of all the City's elected officials following a full public reading of the salaries, benefits, and other forms of remuneration being proposed for each class of elected officials."*

With comments in [brackets]: *"The first order of business [objective: fix a time & date to ensure transparency] of each newly seated Council [each new council has to take this vote], the council shall be the approval [not defer discussion] by a simple majority vote of the compensation [no restrictions] of all the City's elected officials following a full public reading [no waving of reading] of the salaries, benefits, and other forms of remuneration [comprehensive disclosure] being proposed for each class of elected officials [no names; only offices]."*

Followed by David's commission wording: *"Every ten years prior to the city's debate of the fiscal year budget ending in '5' [confusing: not clear when "city's debate" of FYx5 begins; could we just say "Every ten years beginning in 2014"?:], an independent commission comprised of a representative from each ward and two at large appointed by the mayor and approved by the CC, shall review the salary and compensation package of all elected officials. Any recommendation for change recording a two third majority [why a restrictive supermajority requirement for citizen's commission?] vote will be sent to the CC for enactment by a simple majority. (This is subject to referendum)" [Q: is pay currently subject to referendum?]*

I anticipate there may be objections that such overly prescriptive language does not belong in a Charter. My concern is that compensation, as Gail pointed out, is an inherently conflicted issue. In my opinion it warrants precise language that ensures the utmost transparency and constrains the ability of the Council to fudge this vote without restricting the Council's ability \*in any way whatsoever\* to set compensation as it sees fit.

Look forward to our discussion tonite.

Todd

David's proposal:

Every ten years prior to the city's debate of the fiscal year budget ending in '5' an independent commission comprised of a representative from each ward and two at large appointed by the mayor and approved by the CC, shall review the salary and compensation package of all elected officials. Any recommendation for change recording a two third majority vote will be sent to the CC for enactment by a simple majority. ( This is subject to referendum or is not)

Somerville Ordinance:

There is hereby created a municipal **compensation** advisory board, to consist of five members, three of whom shall be appointed by the mayor and two of whom shall be appointed by the president of the board of aldermen, to serve for terms coterminous with that of the mayor.

**- Municipal compensation advisory board duties.**

The municipal **compensation** advisory board shall continuously study the adequacy of the **compensation** and expense allowances of all municipal elected officials, all officials appointed by the mayor subject to the approval of the board of aldermen, and any other officials or employees of the city excluded by law from collective bargaining.

**Municipal compensation advisory board composition.**

The members of the municipal **compensation** advisory board shall serve without **compensation**, but may be allowed expenses with the approval of the mayor, subject to appropriation.

**Municipal compensation advisory board reports.**

Each even-numbered year, by the third week of November, the municipal **compensation** advisory board shall report to the mayor and board of aldermen its recommendations and findings relative to **compensation** and allowances for those under its jurisdiction. A copy of said report shall be filed with the city clerk and shall be a public record.

How about inserting in the transition article of the proposed charter:

Within <sup>180</sup>~~120~~ days after the approval of this Act by the voters, the city council shall enact an ordinance establishing an Elected Official Compensation Advisory Board. Said ordinance shall contain provisions that the Board shall periodically, but no less frequently than <sup>10</sup>~~5~~ years, study the adequacy and equity of the compensation, benefits and expense allowances of municipal elected officials and report its findings and recommendations to the mayor and city council and said reports shall be filed with the city clerk. Said ordinance shall further specify the composition, term of office and method of appointment of the members of said board and any other provisions deemed appropriate by the city council, ~~provided~~ however, that no member of said Board may be a current or former elected or appointed official of the ~~city.~~

**Mary Midura**

---

**From:** Thomas Miranda [Tmiranda@cooleyshrair.com]  
**Sent:** Friday, January 13, 2012 9:52 AM  
**To:** Mary Midura  
**Subject:** Statement on City Clerk Discussion  
**Attachments:** Should City Clerk be Elected or Appointed (00173852-2).DOC


Mary  
Please circulate. I am at work and do not have the mailing list.

Committee members

Here is a draft of my statement outlining our discussion regarding the election or appointment of City Clerk. Feel free to edit at will.

Formatting  
Times New Roman  
14 point font  
Fully justified  
1 ½ line spacing


Tom



**Thomas A.  
Miranda**  
Attorney

Direct: 413 735 8036  
1380 Main Street [www.cooleyshrair.com](http://www.cooleyshrair.com)  
Springfield, MA 01103 [Bio](#) | [Add to Outlook](#)  
P 413 781 0750 [LinkedIN Profile](#)  
F 413 733 3042  
Northampton 413 584 1282

This electronic mail message and any attached files contain information intended only for the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. Communications from our firm may contain or incorporate federal tax advice. Under recently promulgated US Internal Revenue Service standards (Circular 230), we are required to inform you that only formal, written tax opinions meeting the requirements of Circular 230 may be relied upon by taxpayers for the purpose of avoiding tax-related penalties. Accordingly, this communication is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax-related penalties under the Internal Revenue Code. Any use, distribution, copying or disclosure by any other person is strictly prohibited. If you have received this transmission in error, please notify the sender by telephone at (413) 781-0750 or send an electronic mail message to the original sender.

 Consider your responsibility to the environment - think before you print!

SHOULD CITY CLERK BE AN ELECTED OFFICIAL OR  
AN APPOINTED POSITION

The charter commission deliberated extensively regarding the pros and cons of the City Clerk being elected, or being appointed by the Mayor subject to City Council approval, or appointed by City Council. The Committee consensus is that City Clerk should remain an elected official in the City of Northampton. The following is an outline of the concerns raised regarding whether the position should be an appointed position or an elected position.

The City Clerk has responsibilities guided almost entirely by state statutes. Those responsibilities if administered incorrectly have potential for significant impact on the citizens in the documentation of filings, keeping of records, accessibility to official information maintained by the office, etc.

The Committee recognizes that it is critical that the individual serving as City Clerk is effective and efficient in administering the responsibilities of that position and able to effectively communicate with the public and the several city boards which rely upon the City Clerk for filing requirements and other information.

The City Clerk must know the detailed statutory responsibilities, and therefore the Clerk should be someone with the appropriate skills. The position should be filled by a person most competent to administer the duties of the City Clerk and free from potential influence.



We discussed the likelihood that an appointment by either the Mayor or the City Council vetting the field of applicants would result in choosing the professional with the appropriate knowledge and skills needed to administer this very important position. This should decrease the risk of error in conducting public responsibilities required by the position.

Several members of the charter committee stated that in a perfect world the position should be an appointed position and not elected, even though this is a significant change in the way that city government is administered. Several members of the committee believe this significant change is appropriate and a step forward to achieve efficiency in the administration of city government.

After extensive discussion the consensus of the committee is that we do not live in a perfect world. It is a major concern that the appointment would become a political appointment, subject to influence by the appointing body and subject to change with successive administrations, potentially resulting in a lack of continuity in the Office and resulting in a lack of neutrality in the Office of Clerk.

Another concern that many members shared is that if there was a change from election to appointment, this could be a poison pill that would result in significant opposition to the passage of a proposed charter, and we did not want to risk that the proposed charter would not pass in part because of this change.

We discussed a grandfathering provision to allow Ms. Mazza to remain in the position of City Clerk as long as she so desired. Some members of the committee believed that to do so would run the risk of Ms. Mazza enjoying the ability to hold

the position of Clerk without oversight by the public through election, or by the appointing authority whether it be the Mayor or the City Council.

We reviewed the recent 30 to 40 year history of individuals who have held the position of City Clerk. Each held the office for significant periods of time.

Throughout our deliberation issue we discussed and considered the input received from current and former city officials, and several members of the public as was relevant to each of the concerns we discussed.

After considering all of the foregoing we came to the consensus that the City of Northampton would be better served by not changing the method of choosing our City Clerk.

D

A

**Mary Midura**

---

**From:** barry [abenideemail@comcast.net]  
**Sent:** Thursday, January 12, 2012 10:16 PM  
**To:** Mary Midura  
**Subject:** Northampton Special Act Charter Drafting Committee

Barry Roth  
1/12/2012

Northampton Special Act Charter Drafting Committee

**Dear David, Gail, Madeline, Marc, Richard, Todd, Bill, Thomas, Megan, Stephen --**

Sure you are busy art work doing your summations.

I wanted to thank you again for allowing an open discussion on the subject of pros and cons and allowing me to try and clarify.

In light of the discussion on Thursday night, I would go along with a change in the wording of the proposal to take in Dave's practical question and withhold making cons a necessity.

Rather very simply - where a person or group wishes to have a con position made that position be read off along with the pro position and made the basis for the vote and as a record of the vote. It is a small difference between what exists now, but it compels the city council to acknowledge dissenting opinion on record. And it opens the door to assuring that dissident views are heard and put on record.

Thanks for your work,

Barry

