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# Charter Review Meeting - July 22, 2020

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## Review Meeting

### Chelsea, Massachusetts

### July 22, 2020

A regular meeting of the Special Committee -Charter Review was held. The meeting was held at the Chelsea City Hall located at 500 Broadway, Chelsea, Massachusetts 02150. The following appointees were present: Judith Garcia, Leo Robinson, Calvin Brown, Melinda Vega Maldonado, Todd Taylor, Rosemarie Carlisle, Yessenia Alfaro, Henry Wilson, Alex Balcarcel, Mary Bourque, Jason Stocker, Sharlene McLean, and Miriam Rancatore. Meeting opened at 6:00 p.m.

Chairperson Judith Garcia opened the meeting with rules and procedures for the public.

Chairperson Judith read a communication sent by Mimi Rancatore in regards to Section 2

“Good morning folks, I would like the committee to revisit the idea of putting in a suspend clause for a council person, school committee person, or city manager if they are indicted. I am sure you are aware of what is happening with the LA Council. One of their members was just indicted with racketeering by the FBI. I have attached an article with details. Their council voted 14-0 to remove but could not because it was not in their charter. Closer to home we all remember Chuck Turner and Diane Wilkerson’s scandal. When the Boston City Council wanted to remove him, he went to court and won a settlement for \$106,000 in backpay because the court found that the council did not have the authority to remove again because it was not in the charter. Mr. Turner was found guilty and spent time in jail. All of the above can be avoided if we place in the charter, a suspend clause with guidelines. My view is the Charter there to protect both the folks who serve the city well and the people of Chelsea. Hopefully we may never need to use it.

Chairperson stated that a member of the community and the Chelsea City Council, Roy Avellaneda responded to said communication by Mimi Rancatore. The chairperson also disclaimed that this response was being read in order to not violate the Open Meeting Law and announced the law for the public:

“Hello Charter team, I would like to follow up this issue that Mimi made but in another related direction. The city charter currently forbids any individual convicted with a felony to serve on the council. Any candidate that wishes to run for office must sign an affidavit that they have not been convicted of a felony and allow for a criminal background check to be done by the city clerk. I have been made aware that if an individual has been convicted of a felony, and then later has his or her record sealed that those felonies would not be found by the city clerk when doing the criminal offender record information background check. The individual then with the sealed record would then be allowed to run and hold office. This is basically circumvents the whole purpose of what the charter is meant to prohibit. I propose that language be added in the charter that stipulates any candidate wishing to run for office sign an affidavit that they do not have any criminal court record sealed under the pains and penalties of perjury.

Chairperson opened the discussion for Mimi Rancatore. Mimi stated the difference between being arrested and indicted. She also stated that if they are not found guilty they are welcome to come back to the council.

The City Solicitor provided legal counsel about the recommendation by stating:

“In regards to CORI Reform, In the Commonwealth of Massachusetts, you are guilty until proven innocent, whether is an arrest or indictment. This can be found discriminatory to the Black community since they are treated differently in the criminal justice system. This will most likely not pass by the State Legislature and neither the residents of Chelsea.

Sharlene McLean said she agrees with City Solicitor. Mary Bourque stated that there were systems in place already to be able to address these issues.

The Chairperson gave the floor to a member of the public, Manuel Tesche, who recommended to maximize the representation of the residents of Chelsea by allowing undocumented people to be allowed to vote for local elections.

*“We the people of Chelsea, stand together in union to propose an amendment to the Chelsea City Charter. Before said amendment be stated, an introduction should follow:*

*66.9% of the population in Chelsea are Latinx. A majority of that population is found in anon-citizen status. That means a great number of people are left unrepresented. Who is the City Council supposed to represent, if not its constituents. When I say constituent, I do not mean the resident who votes, I am saying the resident who is part of a whole, part of our city. We know the law, we know some will say “illegal immigrants are not allowed to vote”. Some might even use the word “aliens are not allowed to vote”. However, I know the city of Chelsea, and I know you, representatives, you will not use such derogatory insults to your constituents. We know the law, that is why we are here. We know this law is unjust, and our duty as people of this nation, calls upon us to fight and stand in union against unjust laws. As Martin Luther King Jr. put it, “Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.”*

*We are here today to ask you to step up with us, to hold our hands as we say “No More Injustice”*

*to a government that wishes to split our families, to kill our dreams, to destroy our lives, to make us feel like criminals. With that being said: we state our 1.A proposal, as the following.*

*Whereas, the City of Chelsea rectifies the rules of local voting to allow the residents of Chelsea the right to vote in local elections. Whereas, a Chelsea Resident classifies as a person carrier of a form of ID of the following examples: Work Permit, State ID, Driver's License, School ID, etc.*

*Whereas, local elections constitute positions for the City Government bodies known as Chelsea City Council and Chelsea School Board. Whereas, residents of Chelsea are welcomed in local voting centers with the purpose of exercising their due civil right to be represented. Bear in mind that we consulted with the City Solicitor, Attorney Fisher, and we understand the Massachusetts General Law, Chapter 51, Section 1, a person that wishes to engage in the civil right of voting must meet the following criteria:*

- *Citizens*
- *Eighteen or older*
- *Not under guardianship or incarcerated due to felony conviction*
- *Not disqualified because of corrupt practices in respect to elections*
- *Resident in city or town where intending to vote*
- *And who has otherwise complied with Chapter 51.*

*However, as representatives of our City, I have never entertained the thought that you will not fight for our interests as your constituents. Know that this is not only a fight to rectify a racial injustice in the political sphere, but it is also a fight to settle things once and for all. That is, the city of Chelsea is more than capable of conducting its local matters with due diligence. The state may have laws and rules that oversee the state, however, when local matters are of no concern to the state, the municipality should be given the right to conduct self-governance in those areas. Voting, which aims to represent the city and its population, nothing beyond, should fall under the name of local matters and thus the decision over who votes and who does not, should be the jurisdiction of the City Council.*

*With this being said, there is a precedent to this with multiple cities around the country, there is actually one city named Northampton that has already have a similar resolution and included in the city charter and is currently awaiting state legislature approval. So we would not be alone in doing this. Thank you."*

The Chairperson thanked Manuel Tesche for participating at such a young age and inspiring other youth to do the same. Alex Balcarcel asked a question in regards to lowering the age to be allowed to vote.

The City Solicitor provided information that Somerville is pending in regards to that change and Northampton has not been approved yet for the recommendation similar to the one that was proposed. This change does not only follow under the State Legislature but it can be infringed under the US Constitution. City Solicitor also stated that we can review the Charter through a home rule petition or send it to the voters.

The Chairperson then read the communication from member of the public, Vidal Santos:

*“Good evening, my name is Vidal Santos. I reside at 12 Grove St, and I recently moved to the city of Chelsea from South Carolina. I was curious about something in local government here that seems a little strange to me. Chelsea’s local government is operated by a city council with a city manager put into place by them as opposed to a mayor that is voted in by residents of the community. It seemed weird that a community (admittedly not large in geographical size, but very densely populated and with industry, public transit, etc.) would use a system like that in opposition to a mayor who is elected for the people, by the people. So, upon further examination, it appears that the city manager system is not super uncommon, but it becomes much less common when you look at the larger cities in America. Being that Chelsea is directly next to Boston, and has a public transit system that serves it, even with the small geographical size, one could consider Chelsea a city well in need of strong leadership. Doing some research about Chelsea, the mayor was done away with in the 1990s, and has been replaced with the city manager system since. That made sense at the time when there was rampant corruption among the elected officials and a financial crisis occurring within the city. There was corruption abound from local to state level government, but one would hope that things have improved among the local government. It has been 25 years, and the economic situation is dire once again with coronavirus. It also seems that having a (strong) mayor brings about economic growth in the right circumstances for a community, something Chelsea would definitely need especially in the midst of the coronavirus pandemic. With the service/hospitality sectors taking such hits, so many people could use some form of economic stimulus to give them a better chance of survival. The current federal situation with coronavirus especially encouraged states (who then encouraged local governments) to step up and take control of the situation. A strong figure that could guide the community ala Charlie Baker here or Andrew Cuomo in NY, but on a local level that makes its residents feel safe and in good hands. Many of Chelsea’s residents were left out to dry regarding the stimulus fund and*

*even unemployment. They've been forced to continue working when possible, getting sick and spreading it to their families in congested homes. From what I understand, a city manager takes on much of the duties of a mayor but the goal is to have the city manager not be embedded in politics, just in practical management. In our modern society, it is no longer possible for a city manager or really any official to not have some sense of politics within their policies they lay forth. It's unreasonable to pretend otherwise. Being that a city manager, even one appointed by a council that is voted in by residents, cannot just be apolitical, it would make sense that residents should have an alternative to this system.*

*I will not pretend to know how that transition could be made, and that's why I'm writing this. I would like to understand further how we could go forth into having one. If the proper hoops were to be jumped through, the proper paperwork signed, is it even a possibility that the city of Chelsea could have a mayor? The current situation with COVID-19, even as things improve regarding cases statewide, wreaked havoc on Chelsea's economy and society. It may only get worse, if something drastic is not done. I do not know what the solution is. I do, however, fear that without a powerful force of change to save this community, there can be no hope."*

Chairperson gave the floor to Leo Robinson. Councilor Robinson stated that if the people of Chelsea would like to have a mayor, they would have to vote on it.

Alex Balcarcel asked if we could change the form of government to mayor through changing the charter. City Solicitor stated yes, however, it would go through our voters. Mary Bourque stated that she would be against this due to the city manager managing the city in an efficient way. Leo Robinson also stated that our rainy day fund and our bond rate is amazing and doing great, which is how the City Manager was able to help citizens. Rosemarie Carlisle also stated she is in favor of keeping the city manager rather mayor.

Todd Taylor would like recommended to have some sort of implementation for the city council to have some sort of veto in order to have a checks and balance in regards to the powers of the city manager.

Mary Bourque spoke against this because it creates a conflict because the city manager's job is to manage the day to day operations. The job of the council is to employ the city manager

and they are in charge of putting the accountability within the city. The City Solicitor stated that the council by the powers it has now, already has a checks and balance. Councilor Brown agreed with the City Solicitor. Henry Wilson stated that if this is something to pursue, to give the residents the option.

#### Section 4.

The Chairperson gave the floor to Mimi Rancatore to read her recommendations:

*“In regards to Section 4.1 Residence requirement. I would like to replace this with bilingual requirement. The last two city managers were not residents, I know that Jay Ash grew up here, but it showed how they improved and their commitment to the city. I think it is important that the manager can communicate with all the folks in the city in their own language. It is welcoming to all. Also the longevity of the city manager to being here from two years to four years.*

*In regards to Section 4.3 (g) Please clarify “rentals”*

*(h) Chief procurement officer - should just oversee this position*

*(l) Collective bargaining, city council approval?*

*In regards to section 4.8. Reviewing the city manager. Besides the newspaper, other outlets: on line to include social media, calendar, general email, and call etc.”*

The City Solicitor stated that there could be a councilor who is welcomed, however, there may need to be a set of strict rules because negotiations are done in executive sessions. She also stated that the residency requirement also has “notice waiver” which can wave said requirement by the council. Councilor Robinson stated that the language requirement may be discriminatory for potential candidates for the city manager position.

The Chairperson gave the floor to Jason Stocker to read his recommendations:

*“In regards to section 4.3(f). The sentence should have OR REQUESTED added to the end of it*

*In regards to section 4.3(o). Suggest changing ANY to ALL*

*In regards to section 4.8. Add to 2nd paragraph that date of city manager review must be made on the internet and just the newspaper”*

Meeting adjourned at

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