



# GOVERNMENT OPERATIONS, RULES & CLAIMS COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

Wednesday, June 25, 2025

3:00 PM

Sullivan Chamber

**The Government Operations, Rules, and Claims Committee will hold a public hearing to discuss term limits and appointments to Neighborhood Conservation Districts and the Historical Commission.**

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Jivan Sobrinho-Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Catherine Zusy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council’s Government Operations, Rules, and Claims Committee was held on Wednesday, June 25, 2025. The meeting was Called to Order at 3:00 p.m. by Councillor Sobrinho-Wheeler, acting as Chair. Pursuant to Chapter 2 of the Acts of 2025 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

The Chair, Councillor Sobrinho-Wheeler offered opening remarks and noted that the Call of the meeting to discuss term limits and appointments to Neighborhood Conservation Districts and the Historical Commission, CMA 2025 #145, CMA 2025 #146, and CMA 2025 #147. Present at the meeting was Deputy City Manager, Owen O’Riordan, City Solicitor, Megan Bayer, Executive Director of the Historical Commission, Charles Sullivan, and Preservation Administrator, Allison Crosbie. Also present were Councillor Nolan, Councillor Wilson, and Mayor Simmons.

**At the request of the Chair, Deputy City Clerk Crane called the roll.**

- Councillor Azeem – Present/In Sullivan Chamber
- Vice Mayor McGovern – Absent
- Councillor Sobrinho-Wheeler – Present/In Sullivan Chamber
- Councillor Toner - Absent
- Councillor Zusy – Present/In Sullivan Chamber

**Present – 3, Absent 2. Quorum established.**

**The Chair, Councillor Sobrinho-Wheeler opened Public Comment.**

Marilee Meyer, 10 Dana Street, Cambridge, MA, spoke in opposition to removing NCD’s and making changes to the Historical Commission.

Suzanne Blier, 5 Fuller Place, Cambridge, MA, spoke in favor of preservation, experience, and sustainability as it relates to the Historical Commission and NCD’s.

Heather Hoffman, 213 Hurley Street, Cambridge, MA, spoke on the importance of those being appointed to Commissions believe in the mission and work that is done through those Commission.

The Chair, Councillor Sobrinho-Wheeler recognized Charlie Sullivan who provided an overview of the process of reviewing applicants for appointments to the Historical Commission and NCD’s, adding that they are looked

at separately and made under different ordinances and statues. Additionally, Charlie Sullivan shared a brief review of the role appointments serve within the Historical Commission.

The Chair, Councillor Sobrinho-Wheeler had clarifying questions related to the number of those who currently applied for appointments within the Historical Commission and if there are stipends for members. Charlie Sullivan and Megan Bayer responded, with Charlie Sullivan reviewing the decision that was made to provide payment to appointments.

The Chair, Councillor Sobrinho-Wheeler recognized Councillor Azeem who asked for clarification between the role of a full member and an alternate. Charlie Sullivan reviewed the role of alternates, noting that they are very active within the Commission. Councillor Azeem asked what the legal difference would be with a vote being taken by an alternate versus a full member. Megan Bayer reviewed Chapter 40C Section 4 of MGL which addresses votes taken by alternates. Councillor Azeem asked for clarification on term limits and the City Council's role, which Charlie Sullivan and Megan Bayer responded to and explained why some members have different term limits. Councillor Azeem provided suggestions on how the City Council could move forward with appointments.

The Chair, Councillor Sobrinho-Wheeler recognized Councillor Zusy who commented on the importance and involvement of the Historical Commission and her participation with the Commission for past landmarks and properties. Additionally, Councillor Zusy shared how significant it is to have alternates to support full members while also learning from them. Councillor Zusy shared she supports the new appointees and the significant role and contributions the Historical Commission has in the community.

The Chair, Councillor Sobrinho-Wheeler recognized Councillor Nolan who highlighted the importance of the Historical Commission and shared the challenges and concerns that come with term limits and people applying to be members on NCD's.

The Chair, Councillor Sobrinho-Wheeler recognized Charlie Sullivan who reviewed the process and history of appointing members to NCD's and how it is different to the Historical Commission.

The Chair, Councillor Sobrinho-Wheeler recognized Councillor Zusy who shared her support for those who have been selected to be appointed to the NCD's and the importance of NCD's in the community. Councillor Zusy expressed concerns about the City Council reducing the amount of input the Historical Commission and NCD's have.

The Chair, Councillor Sobrinho-Wheeler recognized Councillor Azeem who shared frustrations about term limits and expressed his support for making changes to members when necessary and create a process to help recruit and encourage new candidates. Councillor Azeem noted that no changes have been made to NCD's and the Historical Commission during the City Council term.

The Chair, Councillor Sobrinho-Wheeler asked how many applicants there were for the Avon Hill Neighborhood Conservation District and clarification on those who applied to the Half Crown Marsh. Allison Crosbie shared that there was only one person interviewed for Avon Hill and explained why two members who applied for Half Crown Marsh were not eligible to be interviewed. Councillor Sobrinho-Wheeler agreed that there are updates that could be made to make it easier to recruit more people into these positions and provided suggestions on ways the City could achieve that.

The Chair, Councillor Sobrinho-Wheeler recognized Deputy City Manager O'Riordan who provided feedback and suggestions towards the concerns that were raised by Councillor Azeem. Councillor Nolan, Councillor Azeem, and Councillor Zusy responded. Deputy City Manager O'Riordan suggested the City Manager re-evaluate the current term limits for the proposed members and come back to the City Council.

**The Chair, Councillor Sobrinho-Wheeler recognized Councillor Zusy who made a motion to forward CMA 2025 #145, CMA 2025 #146, and CMA 2025 #147 to the full City Council with no recommendation. Deputy City Clerk Crane called the roll.**

Councillor Azeem – Yes

Vice Mayor McGovern – Absent  
Councillor Sobrinho-Wheeler – Yes  
Councillor Toner – Absent  
Councillor Zusy - Yes  
**Yes – 3, No – 0, Absent – 2. Motion passed.**

**The Chair, Councillor Sobrinho-Wheeler recognized Councillor Azeem who made a motion to adjourn the meeting.**

**Deputy City Clerk Crane called the roll.**

Councillor Azeem – Yes  
Vice Mayor McGovern – Absent  
Councillor Sobrinho-Wheeler – Yes  
Councillor Toner – Absent  
Councillor Zusy - Yes  
**Yes – 3, No – 0, Absent – 2. Meeting adjourned.**

**Attachment A – Communications from the public.**

**Clerk’s Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/1051?view\\_id=1&redirect=true](https://cambridgema.granicus.com/player/clip/1051?view_id=1&redirect=true)

**A communication transmitted from Yi-An Huang, City Manager, relative to the appointments of Florrie Darwin, Scott Kyle, and Michael Rogove and the reappointments of Chandra Harrington, Joseph Ferrara, Elizabeth Lyster, Yuting Zhang, gavin Kleespies, Paula Paris, and Kyle Sheffield.**

**A communication transmitted from Yi-An Huang, City Manager, relative to the appointment Sarah Holt, Emily Oldshue, and Ruth Webb and the reappointments of Marie-Pierre Dillenseger, Donna Marcantonio, and Peter Schur to the Half Crown-Marsh Neighborhood Conservation District Commission.**

**A communication transmitted from Yi-An Huang, City Manager, relative to the appointment of Nondita Mehrotra, and the reappointments of Constantin von Wentzel, Heli Meltsner, McKelden Smith, Theresa Hamacher, and Freweyni Gebrehiwet to the Avon Hill Neighborhood Conservation District Commission.**

**Erwin, Nicole**

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**From:** John Whisnant <jwwhisnant@gmail.com>  
**Sent:** Wednesday, June 25, 2025 10:31 AM  
**To:** City Council; City Manager; Sullivan, Charles M.; Hill, Eric; Burks, Sarah; Jo Solet; City Clerk  
**Subject:** Government Operations Committee 6-25-2025 CHC and NCD Appointments: A little law  
**Attachments:** Summary of Saccioccio letter.docx

Madam Clerk: Could you please enter the attached WORD doc, a summary of Marie Saccoccio's letter, into the record for tomorrow's meeting?

Best,

John  
John Whisnant  
61 Otis St, Cambridge, Ma 02141

## Summary Points of Marie Saccoccio's Letter

### In summary:

The letter urges the City's leadership to respect the legal framework governing appointments, avoid retroactive or unauthorized changes (such as imposing term limits not specified in law), and ensure that any reforms are prospective, clear, and legally sound.

#### 1. Legal Framework for Appointments

- The Cambridge Historic Commission is governed by Massachusetts General Laws (MGL) Chapter 40C.
- Neighborhood Conservation Districts are governed by Cambridge's own ordinances (Article III, 2.78.160).
- State law (MGL 40C) specifies three-year terms for Historic Commission members but does **not** impose term limits.

#### 2. No Retroactive Application

- The new Conservation District ordinance does **not** state it should be applied retroactively.
- Disqualifying appointees based on years of prior service is not supported by the ordinance or by law.
- Retroactive application of term limits or qualifications is unlawful unless explicitly stated.

#### 3. Statutory Interpretation

- Laws should be interpreted based on their plain language.
- Statutes are presumed to apply prospectively unless the law clearly states otherwise.

#### 4. Risks of Deviation

- Imposing retroactive term limits or disqualifications could lead to legal challenges and undermine public trust.
- The City should adhere to established laws and ordinances, not innovate without legal authority.

## 5. Practical Concerns

- Sudden changes in appointment criteria may have affected how positions were advertised and who applied.
- The process may have been unfair to both applicants and the community.

### **What Marie Saccoccio's Letter is Asking the City Officials to Do**

- **Do Not Apply Term Limits Retroactively:**

Do not disqualify current or potential appointees to the Historic Commission or Conservation Districts based on prior years of service unless the law or ordinance explicitly requires it.

- **Follow the Law as Written:**

Adhere strictly to state law (MGL 40C) and the city's own ordinances, interpreting them according to their clear language and intent.

- **Avoid Arbitrary Changes:**

Do not make innovative or arbitrary changes to commission appointments that lack legal basis, as this could be unlawful and erode public trust.

- **Consider Fairness and Transparency:**

Recognize that changes in appointment rules affect community expectations and the fairness of the process.

#### **Marie Saccoccio's Letter:**

I understand that this meeting is concerned with review of the recent appointments to the Cambridge Historic Commission and the Neighborhood Conservation Districts. To be sure, our Historical Commission, contained in Article III, 2.78.010, is controlled by MGL c.40C and our Conservation Districts are controlled by our own Home Rule as provided for in our City Ordinance, Article III, 2.78.160. Despite this Honorable City's penchant for thinking they can improve on what has been developed in our jurisprudence over the past two centuries, we in Cambridge are subject to the laws of this Commonwealth.

MGL 40C is clear in terms of specifying credentials and tenure for those appointed to any Historic Commission. While terms are specified as three-year terms, no fixed number of terms is noted nor is it lawful to read into the statute any term limit. Had the legislature wanted to set term limits, it would have done so in clear and unambiguous language. Ordinary

rules of statutory construction mandate that the plain and unambiguous language of a statute rules. Where on its face there is no ambiguity, none should be considered.

With respect to our newly ordained Conservation District Ordinance contained in Article III, 2.78.160, the ordinance is completely silent on retroactive application of the provision. In other words, whether a suggested appointee has served no years or 20 years should not be considered at all. It is simply irrelevant and in fact, to do otherwise is an unlawful retroactive application of the ordinance. Had the Council desired a retroactive application, it could have done so and included that language in the face of the ordinance.

A little legal authority should suffice this point:

Whether a statute applies retrospectively is a question of legislative intent. In the absence of an express legislative directive, this court has usually applied "[t]he general rule of interpretation ... that all statutes are prospective in their operation, unless an intention that they shall be retrospective appears by necessary implication from their words when considered in the light of the subject matter, the pre-existing state of the law and the effect upon existent rights, remedies and obligations. Doubtless all legislation commonly looks to the future, not to the past, and has no retroactive effect unless such effect manifestly is required by unequivocal terms. It is only statutes regulating practice, procedure and evidence, in short, those relating to remedies and not affecting substantive rights, that commonly are treated as operating retroactively, and as applying to pending actions or causes of action." *City Council of Waltham v. Vinciullo*, 364 Mass. 624, 626, 307 N.E.2d 316 (1974), quoting *Hanscom v. Malden & Melrose Gas Light Co.*, 220 Mass. 1, 3, 107 N.E. 426 (1914). See *Austin v. Boston Univ. Hosp.*, 372 Mass. 654, 657, 363 N.E.2d 515 (1977); *Kagan v. United Vacuum Appliance Corp.*, 357 Mass. 680, 683, 260 N.E.2d 208 (1970).

Therefore, any attempt to impose term limits retroactively or to disqualify appointees based solely on years of prior service stands on precarious legal grounds. The city's adherence to its established ordinances and the statutory mandates of the Commonwealth is not merely a

matter of procedural prudence, it is a safeguard against arbitrary governance and potential litigation. To deviate from the clear expressions of legislative will, as articulated both in state law and in our own ordinances, would not only undermine the rule of law, but also risk eroding public confidence in our institutions.

In summary, while it is wholly appropriate for the City Council to seek robust and diverse representation on its commissions, such efforts must be grounded in the existing legal framework rather than the desire to innovate for its own sake. Where the law prescribes a course, wisdom lies in following it, unless and until the legislature or Council, acting prospectively with clarity, chooses otherwise. And that course must be grounded in centuries of

property jurisprudence as construed by our highest courts.

View this also from the practical perspective that your citizenry and municipal officials were not on notice that their Boards and Commissions would be completely gutted. Would the advertising for the positions been different? Would the interviews have been different? Would different residents have been encouraged to apply? I think so!

## Erwin, Nicole

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**From:** marie elena saccoccio <saccocciom@yahoo.com>  
**Sent:** Tuesday, June 24, 2025 8:29 PM  
**To:** City Council; City Manager; Sullivan, Charles M.; Hill, Eric; Burks, Sarah; Jo Solet; City Clerk  
**Cc:** Marilee Meyer; Suzanne Blier; Elizabeth Gombosi; Fritz Donovan; Helen Walker; Betty Lee Saccoccio; John Whisnant Whisnant; William Dines  
**Subject:** Government Operations Committee 6-25-2025 CHC and NCD Appointments: A little law  
**Attachments:** Letter to Government Comm of City Council CHC Amendments.docx

Madam Clerk: Could you please enter the attached letter into the record for tomorrow's meeting?

Thank you

Honorable Mayor, City Councilors. City Manager:

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Respectfully Submitted,

Marie Elena Saccoccio, Esquire

55 Otis Street

Cambridge, MA 02141

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