

**City of Somerville, Massachusetts**  
**Matters of Business of the Board of Aldermen**

**SPECIAL MEETING MINUTES**

January 30, 2018, 7:00 PM  
Aldermanic Chambers, City Hall, 93 Highland Avenue  
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*NOTICE: This is NOT the official version of the Board of Aldermen's minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.*

**OPENING OF THE MEETING**

The meeting was called to order at 7:25 PM by Ward Seven Alderman Katjana Ballantyne

Attendee Name	Title	Status	Arrived
Stephanie Hirsch	Alderman At Large	Present	
Wilfred N. Mbah	Alderman At Large	Present	
Mary Jo Rossetti	Alderman At Large	Present	
William A. White Jr.	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Absent	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
Mark Niedergang	Ward Five Alderman	Present	
Lance L. Davis	Ward Six Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

1. Roll Call                      Call of the Roll.  
205064  
(ID:17809)

**RESULT:              PLACED ON FILE**

**CITATIONS**

**PUBLIC HEARINGS**

**ORDERS, ORDINANCES, RESOLUTIONS AND MOTIONS OF MEMBERS**

2. Order                      By Ald. Ballantyne  
205065                      That this Board reconsiders the referral of #204800 to the Committee on  
(ID:17810)                      Confirmation of Appointments and Personnel Matters, and instead returns the  
   item to the Board.

Alderman White challenged the propriety of this Order because under Roberts Rules of Order, a motion for reconsideration must be made at the meeting at which the motion carried, and under the Board's Rule 37, reconsideration only applies to the passage of final items, not procedural motions. Alderman White moved that the motion be withdrawn, and the motion carried on a voice vote.

**RESULT:              WITHDRAWN**

3. Motion By Ald. Scott, to Suspend the Rules to discharge an item from the Committee on Confirmation of Appointments and Personnel Matters.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>MOVER:</b>	Jefferson Thomas ("J.T.") Scott, Ward Two Alderman
<b>AYES:</b>	Hirsch, Mbah, Rossetti, White Jr., Scott, Ewen-Campen, Clingan, Niedergang, Davis, Ballantyne
<b>ABSENT:</b>	Matthew McLaughlin

4. Motion By Ald. Scott, to discharge #204800, requesting the promotion of Sgt. Kiely to Lieutenant, from the Committee on Confirmation of Appointments and Personnel Matters.

<b>RESULT:</b>	<b>APPROVED</b>
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### UNFINISHED BUSINESS

5. Mayor's Request 204800 (ID:17531) Requesting the appointment of Michael Kiely to the position of Police Lieutenant.

Ald. Niedergang moved that the Board reject the appointment of Michael Kiely to the position of Lieutenant in the Police Department. He said that after hours of discussion in the Committee on Confirmation of Appointments and Personnel Matters, he had learned more than enough about Sgt. Kiely's record to not support him for promotion. Ald. White stated that this would be a novel action of this Board, with no reasons yet presented. He said that this promotion is governed by the state's Civil Service Commission, and requested the City Solicitor's opinion of what's necessary if the Board votes to deny the promotion. Ald. Rossetti sponsored City Solicitor Frank Wright to speak. The City Solicitor said there appears to be no precedent for the Board's action. He opined that it is not necessary to give a reason, but it certainly is prudent, and he suggested that members who were inclined to support Ald. Niedergang's motion consider stating their reasons. Ald. Scott reported that the Civil Service Commission, in *Cambridge v the Civil Service Commission*, gave the appointing authority considerable deference with respect to appointments, especially with police officers, although this Board is not the appointing authority. Ald. Hirsch asked about financial exposure in this case, and Police Chief David Fallon said that the position could be filled out-of-grade or with overtime until it was permanently filled. The City Solicitor added that back wages could be ordered if the Civil Service Commission ruled that the promotion should be granted. Ald. Rossetti asked if the expression of reasons in executive session would be sufficient, and the City Solicitor said that would be prudent. Ald. White sponsored Michael Akerson, Sgt. Kiely's attorney, to speak. Attorney Akerson noted that many of the Board members were not present for the entirety of the Committee on Confirmation of Appointments and Personnel Matters' executive sessions. He said that Sgt. Kiely did not have the opportunity to fully introduce himself. He said that since Sgt. Kiely was promoted to Sergeant in 2014, there have been no black marks on his record. He said there have been inquiries, but investigations by the Police Department, Personnel Department, and Law Office have cleared him in each instance. He pointed out that four members of this Board voted in favor of his appointment as Sergeant, and that nothing has changed since then.

Ald. Rossetti moved that the Board convene in Executive Session to further discuss this item pursuant to MGL c30A s21(a)(1). The City Solicitor stated that this was a proper reason to move to executive session, and the Board voted unanimously in favor of the motion, with Ald. McLaughlin absent.

The Board moved to Executive Session to discuss this matter at 8:00 PM, and reconvened at 9:15 PM. No votes were taken in Executive Session except for the vote to adjourn.

Returning to open session, Ald. Niedergang amended his motion, moving that the Board not confirm the promotion of Sgt. Kiely to Lieutenant. The motion carried 8-1, with Ald. White opposed and Ald. McLaughlin and Hirsch absent.

<b>RESULT:</b>	<b>NOT APPROVED. [1 TO 8]</b>
<b>AYES:</b>	White Jr.
<b>NAYS:</b>	Mbah, Rossetti, Scott, Ewen-Campen, Clingan, Niedergang, Davis, Ballantyne
<b>ABSENT:</b>	Hirsch, McLaughlin

#### **REPORTS OF COMMITTEES**

#### **COMMUNICATIONS OF THE MAYOR**

#### **COMMUNICATIONS OF CITY OFFICERS**

#### **NEW BUSINESS**

#### **SUPPLEMENTAL ITEMS**

#### **LATE ITEMS**

#### **ADJOURNMENT**

The meeting was Adjourned at 9:20 PM.