Charter Commission

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

MINUTES

CHARTER COMMISSION MEETING
TUESDAY, FEBRUARY 15, 2011@ 7:00 PM
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING

1. Roll Call: A regular meeting of the Charter Commission was called to order at 7:00 pm, in the Richard E. Mastrangelo Council Chamber, Administration Building. Present for the meeting were Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Acting Chair Stephen P. Corbett with Commissioner/Chair Mark Sideris absent and Commissioner Lawn arriving shortly after the call of the roll.

2. Acceptance of Minutes: Commissioner Donham moved to accept the Minutes of January 18th, seconded by Commissioner Duff and adopted by unanimous voice vote with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Acting Chair Stephen P. Corbett voting in the affirmative.

Commissioner Corbett announced meeting dates as follows: March 1st, 15th and 29th. He noted the Council President's desire to complete discussions and votes on the submitted amendments by end of March.

3. Discussion and Vote on Charter Amendments:

Amendments to the Charter: Commissioner Corbett presented a general outline of the submitted Charter amendments and asked that Commissioners focus on substantive concepts, policies and procedures to debate, move forward and adopt.

1. Article 1-7 Definitions:

a) Add **“town website”** and incorporate throughout document: Commissioner Corbett asked for a general motion to incorporate website into the Charter document.

Motion: Commissioner Piccirilli moved to formalize the town’s website role in the Charter as an officially sanctioned communication channel in 1-7 definitions and any other applicable section of the Charter, seconded by Commissioner Lenk and further amended by adding the words “and any other widely available media” after the word “town’s website”.

After a lengthy discussion on what constitutes and or how to include all types of news media, Commissioner Donohue suggested that going forward a general motion be adopted and forwarded to Attorney Reich for his review and brought back to the Commission. The motion as amended was seconded by Commissioner Duff.

The Clerk read the motion as amended. On the amendment, it was adopted by a vote of 11 for, 2 against and 1 abstention with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Cecilia Lenk, Pamela Piantedosi, Jr., David Siegel, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative; Commissioners Kounelis and Piccirilli voting against and Commissioner Tilson abstaining.

There was additional discussion with Commissioner Kohl stating that it was her understanding that only concepts be voted and not specific language and to be reviewed by Attorney Reich and brought back to the Commission.

Commissioner Piccirilli withdrew his previous motion and restated it as follows: Add the words “website” throughout the Charter document.

Commissioner Tilson asked for a process clarification.

Commissioner Corbett stated that Commissioners will consider recommendations of substantive concepts for the attorney to consider and review.

Commissioner Tilson suggested that every motion start with the phrase: have the Town Attorney address the idea of the following concepts. She suggested that Commissioners start over.

Commissioner Duff asked if votes taken tonight will be binding.

Commissioner Corbett stated that all votes will be recommendations.

Councilor Lenk stated that as well as “Town website” she would like to see the attorney’s recommend on whether it should be website and perhaps push it a little further to include other electronic media.

Commissioner Piccirilli stated that we are asking the Attorney to require the town’s website to be the third official channel of posting a notification. He indicated that we need specificity.

Vote on the Main motion as amended: Upon a roll call vote the main motion was adopted by vote of 13 for and 1 against, with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Athelia Tilson and Acting Chair Stephen P. Corbett voting in the affirmative and Commissioner Kounelis voting against.

Commissioner Donham moved hence forth that conceptual motions be forwarded to Attorney Reich for his input upon his review, seconded by Commissioner Lenk.

Commissioner Palomba disagreed noting that some of the votes coming up are not concepts; for example the vote on terms of office which is a change and not a concept.

Commissioner Falkoff disagreed stating that attorneys’ speak a different language and she therefore feels comfortable with sticking with concept.

Commissioner Siegel moved that the redlined document be forwarded to the attorney as well for informational purposes, seconded by Commissioner Falkoff and adopted by unanimous roll call vote.

b) **Vacancy**: Commissioner Falkoff moved to add a definition for “vacancy”, seconded by Commissioner Donham. Upon a roll call vote, the motion was adopted unanimously with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative.
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c) **Days:** Commissioner Donham moved to have the attorney come up with a distinction between business days and calendar days, seconded by Commissioner Duff. The motion was adopted by unanimous roll call vote with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela

Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative.

2. Article 2 – Legislative

a) 2-1 (b) Define **"secular"**. Councilor Falkoff stated that the inauguration ceremony should always be January 1st; no matter what day of the week it falls on. Commissioner Piccirilli questioned whether it should be on January 1st or the first business day in January. He noted that he does not have a problem deleting the word "secular" but cautioned to be careful on what the intent is.

Commissioner Corbett asked if the issue is the ceremony. Commissioner Falkoff indicated yes.

Commissioner Piantedosi suggested that the attorney be asked for his opinion on "secular".

Commissioner Falkoff stated that it is a separate issue.

Commissioner Piccirilli concurred and stated that it is two issues.

Commissioner Kohl moved to propose to the attorney the concept of the first business day in January as opposed to the first day in January, seconded by Commissioner Kounelis.

Councilor Donohue stated that conceptually it is to leave it as is.

d) Upon a roll call vote, the motion was adopted 13 for and 1 against, with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative and Councilor Falkoff voting against.

b) 2-1 (b**) Term of Office** – change to 4 fours: Commissioner Falkoff moved to keep the terms of office as is, seconded by Commissioner Duff. It was noted that the vote is not a concept. Upon a roll call vote the motion was adopted 13 for and 1 against with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative and Commissioner Piantedosi voting against.

e) 2-2 (a) **Election of President** – voters versus council: Commissioner Duff moved to keep the section as is, with no change, seconded by Commissioner Lawn and adopted by unanimous roll call vote with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative.

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c) 2-2 (a) **President** – member of the School Committee: Commissioner Donham moved to keep the section as is, with no change, seconded by Commissioner Duff. Upon further discussion, the section was Tabled in order to receive input from the sitting Council President.

f) 2-3 © **Vice President** – limited to at-large councilors: Commissioner Donohue moved to keep the section as is, with no change, seconded by Commissioner Kohl and adopted by unanimous roll call vote with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative.

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d) 2-8 © **Appointment of Officers** – by council not president: Commissioner Palomba moved to Table the section in order to receive input from the sitting Council President.

The Chair took up **Section 2-10 Vacancies** which did not appear on the outline. He noted the range for a special election was between 10-14 months along with filling of vacancies by appointment or special election. He noted that everything is on the Table for discussion.

Commissioner Donham moved to Table the matter in order to receive input from the sitting Council President.

3. Article 3 – Manager

a) **Provision of personnel information to council:** Councilor Kounelis read from a statement regarding legal fees and the flow of information to the council which could be other issues regarding financial obligations.

Commissioner Piccirilli read from the Charter Section 2-7 Access of Information which he noted does just what Councilor Kounelis is asking for. There is a distinction, he stated, between an individual councilor asking for information rather than it coming from the town council.

Councilor Falkoff agreed, but indicated that there are times when the council may not know that a particular thing is going on and there needs to be a point of entry into that.

Commissioner Siegel states that perhaps requesting monthly updates from the Manager on employee litigation or financial obligations would be more helpful. He noted that the Charter is even broader than that.

Commissioner Donham spoke in support of having the Manager keeping executive matters to himself when he thinks there is a danger not to. He noted that the council is not the executive branch but the legislative branch.

Commissioner Lawn concurred and spoke against any changes.

Commissioner Donohue moved to keep as is with no change, seconded by Commissioner Siegel and adopted by a roll call vote of 12 for and 1 against with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative and Commissioner Kounelis voting no. Commissioner Palomba was not present.

The Chair noted that the next meeting is scheduled for March 1st whereupon the Commission will take up any remaining and or tabled items as well as any other business that may properly come before the Commission.

4. **Adjournment – 9:00 pm:** Commissioner Tilson moved to adjourn the meeting, seconded by Commission Donham and adopted by unanimous voice vote with Commissioners Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson, John J. Lawn, Jr., and Acting Chair Stephen P. Corbett voting in the affirmative. Commissioner Palomba was not present.

I hereby certify that at a regular meeting of the Charter Commission for which a quorum was present, the above minutes were adopted by unanimous voice vote on March 1, 2011.
Mark S. Sideris, Council President