



Charter Commission

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

MINUTES

Commissioners:

Mark S. Sideris,
Chair

Stephen P. Corbett
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.
John J. Lawn, Jr.
David Siegel
Athelia Tilson

CHARTER COMMISSION MEETING MONDAY, APRIL 25, 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 Stephen P. Corbett, 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 and Mark S. Sideris, Chair. Commissioner Palomba arrived after the call of the roll at 7:10 pm. Commissioner Lawn was absent.

2. Acceptance of Minutes: March 29th. Commissioner Donham moved to accept the minutes, seconded by Commissioner Duff and adopted by voice vote with Commissioners Stephen P. Corbett, 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 and Mark S. Sideris, Chair voting in the affirmative.

The Chair announced that he will be departing the meeting at 8:00 pm in order to attend a School Committee executive session. He further indicated that there will be one more meeting of the Charter Review Commission to vote on the final document drafted by Attorney Goldberg and to go over options in moving forward the amendments.

Commissioner Palomba arrived at 7:10 pm.

3. Discussion and Vote on Charter Amendments:

a) Article 9 – Transitional:

9-6 Update based on current organization and practice

Commissioner Piccirilli asked if there was a downside to leaving 9-6 unchanged.

Attorney Goldberg stated that there is no legal effect to leaving this section as is and further explained that sections 9-1 thru 9-3 you will see in every town charter; that section 9-4 is not going to give anybody more or less rights than what they have right now; and that if section 9-6 were deleted it may make changes not intended and that any changes to that section should be addressed on

a case by case basis. If everything was left as is, it would have no effect on the operation of the government after the approval of the Charter.

Commissioner Kounelis read a memorandum dated December 31, 2010 from Attorney Reich regarding the matter.

Commissioner Siegel spoke in support of leaving the section as is.

Commissioner Lenk stated that current positions should be added into the Charter.

Commissioner Kounelis stated that this is the same as with the Commission on Disabilities and that her proposal was voted down.

Commissioner Donohue moved to leave 9-6 as is, seconded by Commissioner Duff and adopted by voice vote with Commissioners Stephen P. Corbett, 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 and Mark S. Sideris, Chair voting in the affirmative and Commissioner Palomba voting Present.

- b) Mandatory Town issued email addresses for all elected officials, Library Board of Trustees, School Committee and Town Council.

Commissioner Donohue stated that this was brought forward by the President's Technology Committee.

Commissioner Corbett spoke in support of the proposal.

Commissioner Palomba stated that there should be a way to address notifying the public that those elected official not using email can be contacted by phone, etc.

Commissioner Kounelis concurred and stated that there should be no constraints placed on public officials to use email.

Commissioner Lenk noted that the use of email is not required but that if an elected official is using email that it be done through a town email address in order to comply with public records request laws.

Commissioner Piccirilli concurred and moved to add a section "that the Town email address shall be provided to each elected official as official town business". He noted that you cannot force people to use it but that the Town wants to make it easy for elected official to comply with the law.

Commissioner Corbett stated that there is nothing wrong with the use of a personal email address as the public may want the communication to be confidential.

Attorney Goldberg stated that if a private email address is used by an elected official, then that official must maintain a copy. She noted that the use of a Town email address protects the elected official from a search of his or her private computer in the case of a public records request.

Commissioner Kohl moved to have Attorney Goldberg draft language which speaks to this issue, seconded by Commissioner Siegel. Commissioner Palomba

added that the attorney should also address the concerns of Commissioner Kounelis as well.

Pat Gold, Duff Street – stated that there is a risk when using email to communicate with the public and it is neither here nor there.

Upon a roll call vote the motion was adopted unanimously with Commissioners Stephen P. Corbett, 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 and Commissioner Palomba voting in the affirmative. The Chair was not present.

4. New Business: Vice President Corbett noted a hold over issue regarding the performance of the Town Manager and matters of discipline which do not rise to the level of a firing. Commissioner Donham indicated that this discipline issue is a serious omission in the Charter.

Attorney Goldberg stated that even though methods of discipline are not addressed in the Charter, the Town Council is not prevented from addressing the matter either in a contract or by other means.

Commissioner Kounelis concurred and noted that there are degrees of disciplinary action the Council can take. Commissioner Palomba concurred stating that nothing prevents the Council from reprimanding the Manager.

No action was taken regarding this matter.

Attorney Goldberg reviewed the procedure, for moving forward. She indicated that a package will be prepared for a single vote and presented at the next meeting.

Commissioner Kohl noted that there should not be a re-hashing of the previously voted amendments but more of a look at the package put together by the Attorney Goldberg.

5. Adjournment: There being no further business to come before the Commission, Commissioner Duff moved to adjourn at 8:40 pm, seconded by Commissioner Donham and adopted by voice vote with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Anthony Palomba, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, and Athelia Tilson voting in the affirmative.

I hereby certify that at a regular meeting of the Charter Commission, the above minutes were adopted as amended on July 19, 2011.

Mark S. Sideris