Charter Commission

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

ADOPTED MINUTES
CHARTER COMMISSION MEETING
TUESDAY, SEPTEMBER 7, 2010 @ 7:00 PM
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING

1. **ROLL CALL:** A regular meeting of the Charter Commission was called to order at 7:15 pm in the Richard E. Mastrangelo Council Chamber, Administration Building. Present for the meeting were Commissioners Stephen P. Corbett, Michael Donham, 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 Chair Mark S. Sideris. Commissioner Donohue was absent. Commissioner Lawn shortly arrived after the call of the roll.

2. **ACCEPTANCE OF MINUTES: August 17, 2010.** Commissioner Duff moved the minutes as written, seconded by Commissioner Piccirilli and adopted by voice vote with Commissioners Stephen P. Corbett, Michael Donham, 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 Chair Mark S. Sideris.

3. DISCUSSION: On Article 3 as it pertains to the Town Manager.

Michael J. Driscoll, Town Manager stated that he has been the town manager for eighteen years, with thirty three years of overall service to the town. With respect to Article 3 as it pertains to the town manager, Mr. Driscoll indicated that his overall goal is to improve the overall quality of life for residents with the highest level of services utilizing taxpayers' dollars as efficiently as possible. He stated that his administrative powers and duties along with the council's legislative powers and duties have worked well for the community. Mr. Driscoll highlighted the 16 of 19 senior staff that report to him directly; excluding the school superintendent, library director and town auditor.

Mr. Driscoll stated that Article 5 Financial Procedures, specifically 5-1 is a critical tool for the fiscal year budget in formulating policy guidelines. He reviewed his role and the council's role with respect to putting together a budget. He noted that from where he sits, it has worked very well.

With respect to Article 6 Administrative Organization, he noted that he would like to see all town buildings under one facilities management including the maintenance of all buildings and grounds. He also indicated that he would like to look at the re-organization code which is currently a flat organization plan with 16 department heads reporting directly to him.

The Chair opened up the presentation to questions from commissioners and the audience.

Commissioner Duff asked the manager to delve into what he is looking to do under a re-organizational plan. The manager stated that he is short of specifics but will work with the existing staff. He noted that he would look to change the current system which has every department head reporting directly to him.

Commissioner Piantedosi asked the manager his opinion on section 3-1(b) paragraph 3 excluding the manager from holding any other public office or conduct any other business unless approved by the council in advance.

The manager indicated that he did not have a problem with the language and did not take it to mean that he could not serve on a board which would benefit the town, such as the MMA. He noted that as far as he is concerned, good government starts in Watertown.

Commissioner Piantedosi stated that it seemed that the annual report is always late and asked if the administration needed more time. The manager indicated that the four months provided by Charter is sufficient.

Commissioner Piantedosi indicated her recommendation to include the state representative and senator to the budget hearing and goal setting process as stated under section 5-1. The manager indicated that he has no problem with the change.

Commissioner Donham asked the manager his thoughts on his evaluation process as it relates to the Charter. Mr. Driscoll indicated that the process currently in place works well as it is a give and take between the council and himself. He stated that he would not want to see any changes to that section in the Charter.

Commissioner Kounelis read from the Minority Report in the 1980 Charter Commission report. She noted that she personally feels that the council should have more say in the appointment process. Commissioner Kounelis asked the manager why the Charter should be retained as it is now.

Mr. Driscoll stated that in March of 2003 those views were defeated by a vote of the council. He stated that he should be able to select his own management team and that second guessing his appointments undermines his ability to do his job. The distribution of powers –

administration handles the day to day business; the legislative branch handles the policy decisions. He noted that his position has not changed since 2003 on this issue.

Commissioner Siegel asked the manager if he has ever presented a re-organization plan and does the Charter hinder the process in any way. The manager indicated that he has not, but that one was presented by a former manager. He further indicated that he did not think the Charter hindered that process.

Commissioner Siegel inquired about Section 3-2 (7) and (11) and asked what the differences were between the two paragraphs. Mr. Driscoll stated that is was a difference without distinction.

Commissioner Siegel asked the Mr. Driscoll, putting aside the form of government, in his experience as the town manager, have there been any provisions that should be addressed in the Charter that have caused difficulty in the discharge of the manager's duties. The Manager indicated that the only suggestion he has offered with respect to the Charter was to change the ten day advertisement rule to five in order to take up business in a more efficient manner.

Commissioner Falkoff asked the Manager if his thoughts about the reorganization pointed toward having a deputy manager. Mr. Driscoll stated that he has no model in mind but that he would consider a re-organization that would free him up and increase efficiency looking at it in terms of a macro sense.

Commissioner Falkoff asked if permission was needed by the School Committee to have all town buildings under the umbrella of the manager. The manager indicated that all that would be needed is an ordinance approved by the council.

Commissioner Corbett asked who in the organizational chart was exempt or not exempt by wage/hour laws and which employees were exempt from overtime and collective bargaining. Mr. Driscoll stated that 17 employees are under management and non-union employees, with 15 of 17 "at will" employees and the fire/police chiefs under civil service.

Commissioner Tilson asked how boards and commissions work with the council and what powers/authority they possess. The Manager indicated that regulatory boards are independent and have the power to vote; planning board, zoning board of appeals, licensing board, board of health and conservation commission etc. while other boards act as advisory groups which can be proposed by the Council, appointed by the Manager and have non-binding authority, such as the environment and energy efficiency committee, bicycle and pedestrian committee and the recycling committee.

He further noted that he would not change the boards/commissions from a volunteer to elected position; noting that it would lower their efficiency and could lead to a disconnect between the community development department and an elected board.

The Chair opened up the hearing to the public.

Clyde Younger, Acton Street – asked how the town attorney could be considered a department head; he stated that there is not a disconnect between article 3-2 (7) and 3-2 (11) as internal audits are to be conducted quarterly so that problems are brought to the attention of the town sooner rather than later. He stated that (11) is proactive and (7) is reactive; he asked why, if ratifying commissioners and appointments works well at the federal and state level, why not the local level; as to the organization structure, it is a matter of whether one is willing to delegate or not.

The Manager stated that the town attorney is utilized through the use of a law firm, which serves the town at will with no contract with a central figure being Mr. Reich. With respect to audits, the Manager stated that the Charter mandates yearly independent audits and quarterly audits. Regarding the organizational chart, Mr. Driscoll stated that certain matters do not have to rise to the Manager's level. Lastly, the manager indicated that he has already weighed in on the issue of appointments etc noting that he has not changed his opinion on the matter.

The Chair thanked the Manager for his time this evening.

4. NEW BUSINESS

The Chair indicated that the Charter Commission will take up "the form of government" at its next meeting on September 21st with an effort to publicize the meeting as much as possible.

Going forward, the Chair stated that the Commission will meet on October 5th and 19th per usual. The Chair indicated that there will be no meeting on November 2nd; the Commission will meet on November 16th and the 30th.

5. ADJOURNMENT – 9:00 pm. Commissioner Duff moved to adjourn the meeting at 9:00 pm, seconded by Commissioner Donham and adopted by voice vote with Commissioners Stephen P. Corbett, Michael Donham, 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 Chair Mark S. Sideris.

At a regular meeting of the Charter Commission, the above minutes were adopted by unanimous voice vote on September 21, 2010 with Commissioners Stephen P. Corbett, Michael Donham, 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 Chair Mark S. Sideris.
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