Charter Commission

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

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

MINUTES

CHARTER COMMISSION MEETINGS 2011
TUESDAY, MARCH 1, 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, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Athelia Tilson and Chair Mark S. Sideris. Also present were Town Attorney Lauren Goldberg and Clerk Valerie Papas.

2. Acceptance of Minutes: Commissioner Donham moved to accept the minutes of February 15, 2011, seconded by Commissioner Duff and adopted by unanimous voice vote with Commissioners 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 and Chair Mark S. Sideris voting in the affirmative.

3. Discussion and Vote on Charter Amendments: The Chair continued with the outline presented at the last Charter meeting.

2-2(a): Council President serving as 7th member of the School Committee: (Previously Tabled from last meeting) The Chair stated that difficult as it may be to serve on two boards, in speaking with constituents, he noted it was clear that residents wanted no change in the Charter with respect to this function of the Council President. He reminded Commissioners that this particular function of the Council President was a compromise made for those wanting a mayor form of government.

Commissioner Kounelis concurred.

Commissioner Piccirilli concurred and noted the importance of the budget process with respect to the Schools.

Commissioner Corbett stated that he feels comfortable with the Council President serving as the 7th member of the School Committee or his designee, if he/she so chose to appoint one.

The Chair spoke against a chosen designee by the Council President noting that as a candidate, the Council President often runs on the platform of becoming the 7th member of the School Committee.

Commissioner Donham spoke in support of keeping this section as is.

Attorney Goldberg indicated that while the Council President may delegate someone to attend a School Committee meeting in his/her place that person may not act in that capacity.

Commissioner Piantedosi stated her reasoning against keeping the status quo noting the often disconnect and discord surrounding collective bargaining issues between the School Committee and Town Council. She indicated that there should be a mechanism put in place at the negotiation level prior to the School Committee's budget coming before the Town Council for a vote.

Commissioner Lenk stated that the subcommittee on Education and School System Matters can be utilized as an avenue for regular dialogue with the School Committee.

Commissioner Donham noted that these budget battles are not unique to Watertown.

Commissioner Donham moved to keep Section 2-2(a) the same with no change, seconded by Commissioner Duff and adopted by a roll call vote of 14 for and 1 against, with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Athelia Tilson and Chair Mark S. Sideris voting for and Commissioner Kohl voting against.

2-8 © Salary: Commissioner Piccirilli moved to refer the following language to the Town Attorney for clarity: "The officers under 2-8 shall receive a salary as mandated by the Town Council from time to time", seconded by Commissioner Duff and adopted by unanimous voice vote with Commissioners 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 and Chair Mark S. Sideris voting in the affirmative.

2-8 (b): Appointment of Officers Council Clerk (Previously Tabled from the last meeting) – Commissioner Falkoff moved to allow the Town

Attorney to clean up the language in this section as needed and with respect to the words “nominate” and “appoint”, seconded by Commissioner Palomba and adopted by unanimous voice vote with Commissioners 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 and Chair Mark S. Sideris voting in the affirmative.

Filling of Vacancies:

Commissioner Palomba stated that the Council President should not appoint a person to fill a vacant position as the filling of any such vacant position belongs in the hands of the voters.

Commissioner Piccirilli noted that the last two vacant positions were handled through a legislative special act, which was cumbersome. Commissioner Piccirilli forwarded an outline amending the process of filling vacancies. He indicated that the several pages of changes he forwarded to Commissioners are complicated but allows the Town Council to have more freedom to do what is best under certain circumstances.

The Chair stated that the Town Council needs more flexibility without taking away the meaning of elections.

Attorney Goldberg outlined the process under Mass General Election laws 41C.

Commissioner Falkoff asked that Attorney Goldberg draft language that includes more options for the filling of vacancies.

Commissioner Lenk spoke in support of reserving special elections for the School Committee and Town Council vacancies.

Commissioner Donham asked if the matter should be decided by the Election Commission.

Attorney Goldberg stated that the issue of elections should be addressed by the Town Council who are the policy makers and should not be decided by the Election Commission.

Commissioner Tilson stated that the law favors voters deciding elections based on 41C.

Commissioner Piccirilli stated that Watertown has a Town Charter and therefore section 41C does not apply. Attorney Goldberg concurred.

Commissioner Corbett spoke in support of a special election if the vacancy occurs within 12 months and an appointment by the Town Council if the vacancy occurs after that period.

Commissioner Piccirilli stated that the Town needs fail safe language.

Commissioner Donohue moved to have Attorney Goldberg draft language incorporating all stated suggestions, seconded by Commissioner Piccirilli and adopted by unanimous voice vote with Commissioners 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 and Chair Mark S. Sideris voting in the affirmative.

Commissioner Palomba asked if the Town Council should approve department head salaries as a way to increase accountability. Attorney Goldberg stated that department head salaries and accountability issues are an executive matter not a legislative matter.

4. New Business – none noted.

The Chair announced that the next meeting is scheduled for March 15th.

5. Adjournment – 9:00 pm: There being no further business to come before the Commission, Commissioner Duff moved to adjourn the meeting, seconded by Commissioner Donham and adopted by unanimous voice vote with Commissioners 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 and Chair Mark S. Sideris voting in the affirmative.

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MINUTES

CHARTER COMMISSION MEETING
TUESDAY, MARCH 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 Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, and Chair Mark S. Sideris. Commissioners Piantedosi and Lawn arrived shortly after the call of the roll. Commissioner Tilson was absent. Also present were Town Attorney Lauren Goldberg and Clerk Valerie Papas.

2. Acceptance of Minutes: Commissioner Donham moved to accept the minutes of March 1, 2011, seconded by Commissioner Duff and adopted by unanimous voice vote with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Anthony Palomba, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Jr., David Siegel, and Chair Mark S. Sideris voting in the affirmative.

3. Discussion and Vote on Charter Amendments: The Chair continued with the outline presented at the last Charter meeting.

a) Filling of Vacancies for the Town Council, School Committee and Library Board of Trustees:

Attorney Goldberg reviewed an outline of options regarding the filling of vacancies in the offices of Council President, District Councilor and Councilor at large.

There was a lengthy discussion regarding a variety of options to fill a vacancy in the office of the Council President.

Commissioner Kohl spoke in support of having a similar strategy for all vacated positions and to have an option to forgo a special election.

MOTION: Commissioner Siegel moved to have the Vice President fill the vacancy of the Council President regardless of the timeframe, seconded by Commissioner Donohue.

Commissioner Piccirilli spoke in support of Option # 3 noting the default position; which allows for a special election with a supermajority 2/3 override. He noted that it was a good compromise and makes the most sense.

Commissioner Palomba stated that if a vacancy occurs within the first twelve months, there should be an automatic election.

The Chair noted that what is being discussed at this point is a two month gap between what we currently have under the Charter and what is proposed.

Paul Fahey stated that perhaps the Commission may want to consider having the Vice President position on the ballot.

Pat Gold, Duff Street – stated that the Commission should not waste time reinventing or rehashing the wheel.

Commissioner Lenk concurred with Commissioner Piccirilli and noted that Option # 3 is straight forward.

Commissioner Piccirilli read language from a special act filed with the state legislature and asked that it be incorporated into Option #3 as subsection c. as an amendment.

WITHDRAWAL: Commissioner Siegel withdrew his previous motion from the table. Commissioner Donohue withdrew his second on the motion.

Attorney Goldberg read Option #3 as amended incorporating language from a special act filed with the state legislature.

MOTION AND VOTE # 1: Commissioner Piccirilli moved to adopt Option #3 as amended and read by Attorney Goldberg to fill vacancies on the Town Council as follows:

Option #3 (second twelve months: all vacancies to be filled by vote of the council with a 2/3 vote "override" for special election):

A. If a vacancy shall occur in the office of council president, councilor-at-large, or district councilor during the first twelve months of the term for which councilors are elected, the vacancy shall be filled by special election held forthwith and no earlier than 64 days from the date the election is called, provided however, by vote of 6 councilors the council may vote not to call a special election and may fill the vacancy by appointment.

B. If a vacancy shall occur in the office of council president, councilor-at-large or district councilor during the second twelve months of the term for which councilors are elected, the vacancy shall be filled by vote of not less than 6 councilors from among the registered voters of the town for the remainder of the unexpired term or, if approved by a vote of not less than 6 councilors, a special election may be held forthwith on a date at least 64 days from the date the election is called. An acting councilor selected by the council to fill a vacancy under this paragraph shall not be entitled to have the words "candidate for reelection" printed against the candidate's name on the ballot at the next election.

C. If the acting councilor or acting president is not so elected at the next town election or if the position remains vacant, the person certified by the election commission as a successful candidate to the office shall forthwith be sworn and shall serve the remainder of the vacant term (language from the Special Act).

The motion was seconded by Commissioner Lenk and upon a roll call vote, the motion was adopted 13 for and 1 against with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. and Chair Mark S. Sideris voting in the affirmative and Commissioner Anthony Palomba voting against.

MOTION: Commissioner Duff moved to have Option # 3 as previously adopted to fill vacancies on the School Committee and Library Board of Trustees, seconded by Commissioner Falkoff.

Attorney Goldberg indicated that with respect to the School Committee and Library Board of Trustees that serve four year terms; there is the presumption that after twenty four months, a special election can be overridden by a super majority vote of 6.

Commissioner Piccirilli noted that this is not a significant change as the last two vacancies were filled by appointment by obtaining a special act which then required only a vote of 5. He indicated that what is being proposed is a higher standard of protection than what we currently legally have.

Pat Gold, Duff Street – spoke in favor of the change and noted that if the voters don't like it they will vote against having the change at the ballot.

Burt Greenberg, Duff Street – spoke in favor of the change noting that he wants experience people filling vacancies.

Commissioner Piantedosi asked for a friendly amendment to allow for the School Committee and Library Board of Trustees to make a recommendation to the Council on their position as to how the vacancy should be filled by either appointment or special election with the Council President sitting on the Library Board of Trustees and having a vote on the recommendation.

Attorney Goldberg stated that there can be a 10-14 day waiting period and if the Council takes no action then the default applies. She indicated that she will draft language that allows the two Boards time to forward a recommendation prior to the issue coming before the Council; without the Council being bound by the recommendation and with the suggestion by Commissioner Piantedosi that the Council President will sit in and vote on that issue with the Library Board of Trustees.

VOTE # 2: Upon a roll call vote, the amended motion read by Attorney Goldberg was adopted 13 for and 1 against with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. and Chair Mark S. Sideris voting in the affirmative and Commissioner Anthony Palomba voting against.
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b) Library Director responsible for hiring and firing of employees:

MOTION: Commission Duff moved 2-2 (b) to allow the Library Director to hire and fire employees, seconded by Commissioner Lenk.

Commissioner Piccirilli stated that he is satisfied with the change as it mirrors state guidelines and also meets with the approval of our Library Board of Trustees.

Commissioner Lenk concurred and noted that the change is standard practice with the Massachusetts Board of Library Commissioners.

VOTE # 3: Upon a roll call vote, the motion was adopted by 12-2 with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. and Chair Mark S. Sideris voting in the affirmative and Commissioners Angeline Kounelis and Anthony Palomba voting against.

c) Invite state legislators to budget hearings:

MOTION: Commissioner Lawn moved Article 5-1 to invite the state representatives and the state senator to budget hearings, seconded by Commissioner Duff.

VOTE # 4: 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, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. Anthony Palomba and Chair Mark S. Sideris voting in the affirmative.

d) Modify dates of Budget message:

MOTION AND VOTE # 5: Commissioner Piccirilli moved not to modify 5-2, seconded by Commissioner Siegel and adopted by unanimous roll call vote with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. Anthony Palomba and Chair Mark S. Sideris voting in the affirmative.

e) Modify dates of Audit:

MOTION AND VOTE # 6: Commissioner Donohue moved to have the audit date modified to December 31st following the end of the fiscal year, seconded by Commissioner Duff and adopted by unanimous roll call vote with Commissioners Stephen P. Corbett, Michael Donham, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., David Siegel, Pamela Piantedosi, John J. Lawn, Jr. Anthony Palomba and Chair Mark S. Sideris voting in the affirmative.

4. New Business – none noted.

The Chair announced that the next meeting is scheduled for March 29th.

5. Adjournment – 9:00 pm: There being no further business to come before the Commission, Commissioner Duff moved to adjourn the meeting, seconded by Commissioner Donham and adopted by unanimous voice vote with Commissioners 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, and Chair Mark S. Sideris voting in the affirmative.

I hereby certify that at a regular meeting of the Charter Commission, the above minutes were adopted on March 29th as written.

Mark S. Sideris, Council President

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MINUTES

CHARTER COMMISSION MEETING
TUESDAY, MARCH 29, 2011 @ 7:00 PM
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING

1. Roll Call: The Chair called the meeting to order at 7:00 pm, in the Richard E. Mastrangelo Council Chamber, Administration Building. Present for the meeting were Commissioners Stephen P. Corbett, 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 Chairman Mark S. Sideris. Commissioners Lawn, Donham and Palomba arrived after the call of the roll.

2. Acceptance of Minutes: March 15th. Commissioner Corbett moved to accept the minutes of March 15th, seconded by Commissioner Duff and adopted by unanimous roll call vote with Commissioners Stephen P. Corbett, 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 Chairman Mark S. Sideris voting in the affirmative.

3. Discussion and Vote on Charter Amendments:

a) Article 3 – Manager:

Appointments to Commission on Disability: the Chair noted that the Charter is silent on this issue.

MOTION: Commissioner Donohue moved not to make any changes, seconded by Commissioner Falkoff.

Commissioner Kounelis stated that when the Charter was written there was not a Commission on Disabilities. She indicated that she brought this matter forward in order to look at options.

Commission Piccirilli spoke in support of not making any changes and noted that all other similar appointments are also not in the Charter. He stated that the matter can be addressed by ordinance.

Commissioner Corbett agreed noting that an ordinance makes more sense.

Commissioner Siegel concurred stating that he has a concern with too much specificity in the Charter.

Marilyn Devaney, 98 Westminster Avenue – stated that the council member appointment to the Commission on Disabilities is an ex-officio appointment by the manager.

VOTE: Upon a roll call vote the motion to make no change was adopted by a vote of 11 for, 1 against and 1 abstaining with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative and Commissioner Donham abstaining and Commissioner Kounelis voting no. (Commissioners Lawn and Palomba were not present).

3-2 (7) and (11) - Elimination of duplicative reporting requirements for the Manager that are not followed in practice: There was considerable discussion on whether to delete subsection 11 as it was duplicative in nature; combine 7 and 11 and require a quarterly document; or leave as is.

Commissioner Piccirilli stated that he would be in favor of eliminating section 11 and under section 7 require a quarterly report by the manager.

Attorney Goldberg concurred and indicated that section 11 is unnecessary and it is not unreasonable for the council to require a quarterly financial report four times a year.

Marilyn Devaney, 98 Westminster Avenue – spoke in support of leaving this section alone.

Commissioner Kounelis spoke in support of not making the section less stringent and require written quarterly documents.

MOTION: Commissioner Piantedosi moved to leave language alone but move up section 11 up under 7 and renumber section, seconded by Commissioner Donham.

FRIENDLY AMENDMENT: Commissioner Falkoff moved a friendly amendment to add words under (7) "a complete written report", and in (11) "reporting to the Town Council", seconded by Commissioner Piantedosi.

Commissioner Donohue spoke against the friendly amendment noting that it is too complicated and noted that documentation is needed.

Commissioner Piccirilli concurred with Commissioner Donohue.

WITHDRAWAL: Commissioner Falkoff withdrew her friendly amendment. Commissioner Piantedosi withdrew her previous motion.

Attorney Goldberg noted that in reality the two provisions are doing something extremely similar and it does not make sense to play with the language.

MOTION: Commissioner Kohl moved to combine (7) and (11) into one section and add written report must be submitted not less than quarterly, seconded by Commissioner Siegel. Commissioner Falkoff requested Attorney Goldberg to review the adopted language and make changes if needed.

VOTE: Upon a roll call vote, the motion was adopted by unanimous vote with Commissioners Stephen P. Corbett, John A. Donohue, Michael Donham, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative and Commissioner Palomba voting Present.

Marilyn Devaney, 98 Westminster Avenue – spoke in support of a Charter change that allows the Town Council to confirm the appointment of department heads. She noted that this change was voted by the people 2-1 by a ballot referendum some years ago.

The Chair stated that the Commission has been meeting twice a month for nearly one year and that all major Charter amendments were discussed at length and that the Commission is winding down and the time has passed for any further discussions on major issues or major changes to the Charter and further noted that the Commission chose not to address that particular item.

Commissioner Lawn is present.

3-6 Town Manager Evaluation: Commissioner Donham read his amendment and noted that currently the Charter is seriously deficient, too open ended and provides no guidance on this matter.

Commissioner Lenk spoke in support of crafting a statement that is broad but still has structure.

Commissioner Kounelis stated that the subcommittee of Personnel and Town Organization has an evaluation document in place but that she has no objection to a brief summary from the document inserted into the Charter.

Attorney Goldberg warned that the Commission must be careful of what is added to the Charter as the Town Council negotiates a contract with the Manager and additional language in this section could restrict those negotiations.

Commissioner Palomba stated that additional language would not be harmful.

Commissioner Falkoff spoke in support of no change to this section.

Attorney Goldberg indicated that she has not seen any language in any Town Charter with respect to this issue.

Commissioner Corbett stated that he would like to see the process of the Manager's evaluation continue to be flexible.

Commissioner Donham stated that he is opposed to leaving the section alone.

Commissioner Siegel noted that he would be concerned with specific language in the Charter.

MOTION: Commissioner Palomba moved that the annual review of the town manager's performance evaluation be done "using standard managerial review procedures", seconded by Councilor Kounelis.

Attorney Goldberg noted that the words "standard managerial review procedures" is not a defined term and therefore open to interpretation.

WITHDRAWAL: Commission Palomba withdrew his motion. Councilor Kounelis withdrew her second.

VOTE: Upon a roll call vote to make no change, it was adopted by a vote of 13 for and 2 against with Commissioners Stephen P. Corbett, John A. Donohue, Michael Donham, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Pamela Piantedosi, Anthony Palomba, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative and Commissioners Lenk and Donham voting no.

b) **Article 2-4 Compensation, Expenses:** Commissioner Donham brought forward a proposed amendment to the Charter stating that the change reflects the current procedure for the Town Council, School Committee, and Library Trustees and that he believes the review and approval by the Auditor should be mandated by the Charter in order to protect the Town.

Commissioner Piccirilli spoke against any change to this section noting an existing State law mandating this.

Commissioner Falkoff concurred with not making any changes.

MOTION: Commissioner Donohue moved to leave Charter as is, seconded by Commissioner Duff.

VOTE: Upon a roll call vote, the motion was adopted by a vote of 14 for and 1 against with Commissioners Stephen P. Corbett, John A. Donohue, Michael Donham, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Anthony Palomba, Vincent J. Piccirilli, Jr., David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative and Commissioner Donham voting no.

c) **Article 6 – Organization: 6-2 (b)** Council can amend reorganization plans:

The Chair indicated that currently under the Charter the Council can vote up or down the submitted reorganization plan.

Attorney Goldberg noted that sections 6-1 and 6-2 work together and that once the Council votes down a reorganization plan they can submit an alternative plan by ordinance.

Commissioner Lenk spoke in favor of not making any changes to this section.

Commissioner Palomba stated that a change in this section would open up dialogue on the issue.

MOTION: Commissioner Falkoff moved to leave this section alone, seconded by Commissioner Donham.

VOTE: Upon a roll call vote, the motion was adopted by a vote of 12 in favor, and 3 against with Commissioners Stephen P. Corbett, John A. Donohue, Michael Donham, Dennis J. Duff, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, John J. Lawn, Jr., David Siegel, and Chairman Mark S. Sideris voting in the affirmative and Commissioners Kohl, Tilson and Palomba voting no.

d) Article 8 – General Provisions:

8-1 Change the requirement regarding Charter review: Commissioner Falkoff spoke in support of deleting the word "shall" and replacing with the word "may" review the Charter etc., and to delete the word "persons" and insert the word "residents".

Attorney Goldberg noted that the word "may" makes the vote to review the Charter a choice rather than a mandate.

Commissioner Palomba, Tilson, and Piantedosi spoke in support of leaving "shall" in place.

MOTION: Commissioner Donohue moved to leave the word "shall" in place and to change the word "persons" to "residents", seconded by Commissioner Duff.

VOTE: Upon a roll call vote the motion was adopted by unanimous vote with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Anthony Palomba, Michael Donham, David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative.

8-5 Review of Ordinances

Commissioner Donohue moved to leave section as is, seconded by Commissioner Duff.

MOTION: Commissioner Piccirilli spoke in support of a proposed change and moved to delete the existing paragraph and replace with the title: Codification of Ordinances" and insert: "All town ordinances shall be re-codified each year ending in a 5 or 0 and this task shall be conducted by the Town Clerk. Any discrepancies, conflicts, ambiguities in the ordinances discovered in this process by the Town Clerk shall be reported to the Town Council".

Commissioner Lenk and Kounelis spoke in support of the change.

WITHDRAWAL: Commissioner Donohue withdrew his previous motion. Commissioner Duff withdrew his second.

Attorney Goldberg spoke in support of hybrid language that in years ending in 2; there be a re-codification but that each year the Town Clerk will go through all the adopted ordinances and make sure they are all inserted in their proper place and publish them on the town's website. She further noted that the town attorney can assist with the major review while the Town Clerk is responsibly for the annual re-codification process.

Councilor Piccirilli re-read language as follows:

All town ordinances shall be re-codified annually and this task shall be conducted by the Town Clerk. Any Discrepancies, conflicts or ambiguity in the ordinances discovered during this process shall be presented in a report by the Town Clerk to the Town Council within the said year.

Attorney Goldberg noted that in the ten year review you might want to let the town attorney look at these issues but leave the language in the Charter opened ended so that the Town Council may decide.

MOTION: Commissioner Duff so moved the hybrid language, seconded by Commissioner Kounelis.

VOTE: Upon a roll call vote, the motion was adopted by unanimous vote with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Anthony Palomba, Michael Donham, David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative.

8-11(c) - Clarification of conviction that may be a basis for removal from office:

Attorney Goldberg stated that a change in the language would eliminate any loop holes and that any person, while serving in office and convicted of a felony under the Commonwealth or United States jurisdiction can be removed from office.

Commissioner Kohl spoke in support of the change and stated that the mechanism is clearly defined by the United States Department of Justice and thus is a consistent source.

The Chair stated that the Commission must decide whether it will be an automatic removal or a vote of the Town Council.

Commissioner Palomba spoke in support of leaving the Charter as is with respect to that issue, requiring a unanimous vote of the Town Council for removal.

Commissioner Tilson agreed.

MOTION: Commissioner Siegel moved to delete and insert "any person convicted of a felony under any United States jurisdiction while holding office", seconded by Commissioner Palomba.

AMENDMENT: Commissioner Duff moved a friendly amendment to remove said person by a 2/3 vote, seconded by Commissioner Donohue.

Commissioners Palomba and Tilson spoke against the friendly amendment.

VOTE: Upon a roll call vote on the motion as amended, the motion was adopted by 12 for and 3 against with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Michael Donham, and Chairman Mark S. Sideris voting in the affirmative and Commissioners Tilson, Siegel and Palomba against.

MAIN MOTION: Upon a roll call vote on the Main Motion, it was adopted by 14 for and 1 against with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Anthony Palomba, Michael Donham, David Siegel, and Chairman Mark S. Sideris voting in the affirmative and Commissioner Tilson against.

MOTION: Commissioner Piantedosi moved to schedule an additional meeting date as determined by the Chair, seconded by Commission Duff and adopted by unanimous voice with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Anthony Palomba, Michael Donham, David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative.

It is noted that the remaining articles will be taken up at the next Charter Commission meeting as follows:

e) Article 9 – Transitional:

9-6 Update based on current organization and practice

f) Mandatory Town issued email addresses for all elected officials, library board of trustees, school committee and town council.

4. New Business: The Chair recognized Marilyn Devaney, 98 Westminster Avenue who reiterated her previous spoken support of having the Town Council confirm appointments of department heads.

5. Adjournment – 9:00 pm: Commissioner Piccirilli moved to adjourn the meeting at 9:45 pm, seconded by Commissioner Donohue and adopted by unanimous vote with Commissioners Stephen P. Corbett, John A. Donohue, Dennis J. Duff, Susan G. Falkoff, Rhiana Kohl, Angeline B. Kounelis, Cecilia Lenk, Pamela Piantedosi, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Anthony Palomba, Michael Donham, David Siegel, Athelia Tilson and Chairman Mark S. Sideris voting in the affirmative.

I hereby certify that at a regular meeting of the Charter Commission for which a quorum was present, the above minutes were adopted by voice vote on April 25, 2011.

Mark S. Sideris, Commission Chair