



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 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.

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