



Watertown Town Council

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

ELECTED
OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

Caroline Bays
Councilor At Large

Anthony J. Donato,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

MINUTES MEETING OF THE CHARTER REVIEW COMMITTEE TUESDAY, APRIL 20, 2021 AT 6:00 PM MEETING WILL BE LIMITED TO REMOTE PUBLIC ACCESS ONLY

Pursuant to Article 8, Section 8-1(b) of the Watertown Home Rule Charter, and pursuant to the Call of the Town Council President, I hereby called a Meeting of the Charter Review Committee, consisting of the Town Council as a whole and six additional voters to be appointed by the Council President, said meeting was held on Tuesday, April 20, 2021 at 6:00 PM. in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, §20, relating to the 2020 COVID-19 emergency and to avoid group congregation, this meeting had only remote opportunities for participation with public access provided as follows:

ACCESS INFORMATION:

- A. The meeting was televised through WCATV (Watertown Cable Access Television): <https://imd0mxanj2.execute-api.us-west-2.amazonaws.com/ssr/live/60195e83b9696d00075a2e67>
- B. Public was permitted to join the virtual meeting online: <https://watertown-ma.zoom.us/j/96419264286>
- C. Public was permitted to join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 964 1926 4286#
- D. Public was permitted to comment through email: vpiccirilli@watertown-ma.gov

The purpose of this meeting was to discuss, consider, and act on the following:

1. Call to Order
Council President Sideris called to order a regular meeting of the Charter Review Committee at 6:02 p.m. Those present were Councilors Caroline Bays, Anthony J. Donato, Lisa J. Feltner, John G. Gannon, Angeline B. Kounelis, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., Council President Mark S. Sideris, and members Marcia Ciro, Anne Fitzpatrick, Jonathan Hecht, Leo Martin, James Mello, and William Oates. Also present was Michael Ward, Director of the Collins Center
2. Review and Approval of Minutes
 - A. Minutes of the Charter Review Committee Meeting of [March 2, 2021](#)
 - B. Minutes of the Charter Review Committee Meeting of [March 16, 2021](#)
Mr. Mello moved to adopt the minutes of March 2, 2021 and March 16, 2021; Councilor Gannon seconded the motion. Member Fitzpatrick stated that the link regarding the Q & A need to be fixed. Council President Sideris stated this would be done.

The meeting was delayed at 6:06 due to loss of connectivity. A roll call was called to restart the meeting at 6:14 p.m.

The motion was adopted unanimously on a roll call vote.

- C. Minutes of the Preamble Subcommittee Meeting of [March 22, 2021](#)
Due to a failure in the link, this item was tabled to the next agenda.

3. Review of Potential Changes in Article 2, the Legislative Branch, and Closely Related Topics

Mr. Ward briefly discussed a method for reviewing the issues. Based on the National Civic League's Guide for Charter Commissions, some basic questions were posed:

- Can this problem be solved by the passage of an ordinance?
- Can this problem be addressed through administrative measures
- Does the Chief Executive already have the authority to fix the problem through a policy or procedure
- Should the solution be sought with new officials or by state legislation?

He stated if the answer were yes to more than one question, then it should be put aside. If the answer is no to all, it should be considered for the charter.

Mr. Ward mentioned that he would start with the Article 2 issue of council capacity in Section 2-7 (c) by adding new language to permit the Town Council to determine what added staffing is needed. Suggested language was "Subject to appropriation, the Town Council may employ such staff and experts as are necessary to conduct the business of the Town Council. Such staff shall be under the supervision of the Town Council President. The Town Council shall set the salaries of such staff." In the comments provided, some specific positions were mentioned. He felt that the language should be sufficiently broad to allow the Town Council the ability to determine its own staffing needs.

In the discussion, these concerns were raised:

- How can you ensure that certain positions are added? This now becomes a role of the Town Council; the Budget Priority Guidelines would also strengthen the process by stating to the Town Manager what positions should be included
- Does this change affect the Town Council Clerk which is in Section 2-7 (b) so that it is a permanent position? This should stay as it is a critical position for the operation of the Town Council.
- The new language would follow Section 2 -7(b) and the current Sections 2-7 (c) and (d) would be pushed down the list
- A concern was raised that the suggested language could be an issue when recruiting if they seem so informal. It was suggested that language include wording to say that the Town Council may by ordinance add positions. This wording would remove the informal nature of the position
- The language is too general. The desired positions should be listed in the charter of a research analyst and assistant. There is nothing in the Charter stating the Town Manager must comply with the budget guidelines or fund the positions requested. These positions should be specifically guaranteed by the Charter.
- The "subject to appropriation" language is concerning because policy directives are not always adhered to. The language regarding the Town Council Clerk position does not refer to the appropriation and this standard should be used. The desired roles should be specified.
- The positions should be designated as is done in other charters. There is a need for these positions to be a given with a required line-item budget and not be subject to the appropriation.
- Should the supervision of these positions continue being under the Council President; this seems preferable because it comes under the control of the Council. Best practices for this question should be reviewed.

- The proposed language is fine but the language “subject to appropriation” should be replaced by “subject to ordinance”. The ordinance would become law and the Town Manager must provide for the funding of the positions. An ordinance would provide flexibility.
- By listing specific positions, there is no way of altering those positions until the next review if the Council needs change. Being subject to ordinance would be more flexible and would meet the needs of the Town Council
- In discussing the various positions, what sorts of positions should be included and is this section the right place to be adding them? Mr. Ward stated that positions that should be listed for the Town Council would those positions that are necessary to conduct its business.
- Using the ordinance allows for flexibility to change the positions as needed and still provide for funding
- There is a need to add the positions in the charter; the ordinance process is complicated and provides the potential for disagreement. The inclusion of positions need not be very detailed, but it is guaranteed.
- There is no contradiction between an ordinance and including it in the charter to guarantee some assistance to the Town Council

Council President Sideris took questions and comments from the public:

John Ovoian – The Town Council needs to determine what resources are needed and determine a skill set for the positions.

Elana Minelli - The staff should report to the Town Council President rather than the Town Council to provide clear lines of authority.

Jackie Van Leeuwan - These positions should be in the charter for someone who can provide expertise and support to the Town Council

Marcy Murningham – The challenge appears to be the need for administrative assistance support and policy making. There could be a position that is more holistic that provide research to all; this could be more efficient.

Council President Sideris stated that Mr. Ward would review the comments and try to provide language to fit the conditions set.

Mr. Ward stated the next issue related to the conflict of balance of power. The current Charter is light on delineating the lines of authority. He suggested adding in Section 2-4 General Powers the addition of these words: “ The powers exercised by the Town Council include the establishment of policies to guide the administrative branch in its administrative powers. Such policies shall be reflected in the Town Council votes, resolutions, ordinances, appropriation orders and loan authorizations.” The purpose of this change is to provide greater clarity to the public, future councilors, and managers as to what the role of the Town Council is. The language could be added as a second paragraph to the section.

Elana Minelli - She would like to see included language that what powers are not expressly given to the Town Manager are retained by the Town Council.

Mr. Ward stated that another item that seemed to have wide consensus was a State of Town Address and/or an Annual Public Forum. He stated that both events can take a significant amount of work and stated that the Committee needs to consider the effort involved. Council President Sideris stated that it appears that there will be an increase in support staff and that both events should be considered because it is something the citizenry is requesting and it could increase communication between the community and the Town Council.

Members agreed that both should be in the charter, that they should be at different times of the year, that there should be an opportunity to have a question-and-answer period to ensure that these events are a dialogue rather than just a listening session. Mr. Ward stated that it could be addressed in multiple places.

Another concern was that the public forums at the opening and ending of the Town Council sessions should provide a response. Currently no response is made to public comments and many people feel as if they are shouting into the void. Mr. Ward stated it could be done but that he would have to consider how one would get a substantive response. It was stated that the method would take some work but that it could be done.

Mr. Ward began on the discussion of a complicated topic – the composition of the Council. He stated that 80% of Councils in MA are composed of either 9 or 11 members. A mix of at-large and district councilors is the usual arrangement. The trend is to include districts to avoid federal voting rights concerns. As to terms, 86% of communities have 2-year term. A three-year term limit would not be easy unless Watertown agreed to change its elections to the spring. Two- or four-year term limits would be the easiest. There is hybrid in Framingham that is relatively new having 4-year terms for at-large Councilors and 2 years for District Councilors. Term limits are very rare in MA. Watertown is one of two towns that elects its Council President and one of three communities that has the Council President serve on the School Committee. Another consideration is if the title will be Town or City Council President.

In the discussion, the following comments were made:

- Is it realistic to even discuss these issues as any change to the Council requires a Special Act of the Legislature before it can be put before the voters? The response was that it is getting tight but there is still time. A suggested time limit was early to mid-July. It really depends on the timing for the Town Clerk to get the ballots printed
- There is also the possibility of requesting special legislation to delay the vote until next year
- The Committee needs to define what is the problem that is being fixed, how will the changes fix the problem, and what are the unintended consequences of the changes. Each item should be discussed.

The discussion on the question began:

Member Fitzpatrick stated the number of nine Councilors is fine and the two-year terms should be retained; however, she felt that the election of the Council President warranted some discussion. It is difficult to get people to run for Town Council and it needs to be made more attractive for newcomers

Member Ciro stated that 9 is a good number and the current mix of District Councilors and At-Large Councilors is fine. There should be a discussion regarding the election of the Town Council President as having the position for a period of time puts a lot of unnecessary pressure on one person. Changing the Council President would allow other members to be more equal in their roles. As to whether the Council President should be a School Committee member, she would defer to others. She stated that term limits are interesting, but it is difficult to get people to run so that should be tabled. She believes that another review should be completed in five years; there is a need for turnover at the Council and it could be considered at the next review if there is no change in membership.

Member Oates felt that the nine members and the 5 At-Large and 4 Districts is a good mix that has worked well for the town. A problem seems to be the capacity workload

on the Councilors. He would like to discuss the addition of Councilors and proposed the options adding Councilors and having two Councilor per district or the number of districts could be reduced to three with two Councilors per District. He reminded people that the Council originally started with three districts. He felt the election of the Council President should be discussed.

Councilor Kounelis stated that the job of a Councilor is to address issues and sometimes it can be overwhelming but usually it operates on an even keel. She felt it is important to retain the current format of 9 Councilors with 4 District Councilors. It is important for the Council President to be elected by the people because it provides transparency and gives citizens a voice in their government. The election of the Council President should not be a popularity contest within the council. Term limits are inherent in the position because the elected can be voted out by the people who are dissatisfied with their Councilor anytime.

Councilor Donato stated that he feels the composition of nine is good. If the membership were to expand, it would only slow down what many view as a painfully slow process. He liked the representation of four district and 4 at-large councilors, and felt that Council President should be an elected position. Those thousands who vote should have more influence than the Councilors. The lack of an elected office does not lead to transparency and accountability. Term limits are difficult to impose. Someone should not be penalized for doing good work; an ineffective Councilor could be voted out. He would defer to the Council President in how he feels about retaining membership to the School Committee.

Councilor Gannon stated he does not support term limits; the ballot should be the term limit. The current mix of district and at-large councilors is good. He did feel that the Council President should be elected by the Council. The change in leadership lends itself to a diversity of new ideas. The position of the Council President should be turned into an at-large councilor.

Member Hecht supported retaining the current district/at-large composition of the council. It works well and provides good balance and perspective. The size is good; if it were larger, it would be challenging for the Council to express a vision to the community. He opposes term limits and believes in putting his faith in the voters to decide when one's time has come. He did feel the election of the Council President should be elected by the Council in order for it to speak with a single voice. He also urged the Committee to not overestimate the ability of the Legislature to move quickly on Home Rule petitions. He felt that these matters needed to be done by mid-June.

Councilor Bays stated that the size of nine members is fine; she favored the current composition because it works well. She personally would like four-year terms, but does not favor term limits. This should be left to the voters to decide. In regards to the School Committee, she would like to have the Council President serve or to provide him with the ability to appoint someone to that position on behalf of the Council.

Member Mello asked if the terms were changed to four-year terms, would that require a special act of the Charter? The reply was that it would. He then asked if the salaries were listed in the Charter, would that require a Special Act and was told no, it would not be needed and that salaries do not have to be listed in the Charter.

Councilor Palomba felt that all at-large councilors would allow for a greater opportunity to address the challenges, broaden the field of candidates, and allow for a greater turnover to the membership. He would like to change the term limits: two years for District Councilors and four year for At-Large Councilors with their terms staggered.

This could create a turnover. He felt the Council President should be elected by the Town Council and that too should be limited.

Member Fitzpatrick stated she would consider term limits of 10-12 years because she has concerns about term limits. In practice District Councilors have become entrenched. It is difficult to vote for change because there are an insufficient number of candidates willing to run for offices. The Council President should be elected by the Town Council. The Council President should not also serve on the School Committee because it is asking too much of one person; it could be an appointee with the approval of the Town Council, or it could be the Council Vice-President.

Councilor Feltner stated that the census should be reviewed to see if it affects the representation. She stated adding more At-Large Councilors usually increases female representation. The Council President role needs more discussion along with what constraints should be placed on the role. It is unrealistic to ask the Council President to serve on the School Committee especially with the Town's growth in the area of life sciences. She did not favor term limits.

In the Q&A, people commented:

- There should be a tenth At-Large Councilor to represent minority groups
- Nine Council members is fine
- Losing the right to vote for the Council President decreases citizens' rights
- There are 12 precincts, the Council composition could be six District Councilors and two At-Large Councilors
- Term limits occur when the Councilor is voted out
- The Council President's role at the School Committee should be discussed
- Four -year terms should be considered
- Councilors retain their right to longevity because they do a good job
- There should be term limits of 8-10 years; this would give new candidates an opportunity to be heard and lead

Mr. Ward stated that the Committee could continue the discussion at the next meeting. There was consensus on many items with the issues of the election of the Town Council President and his role with the School Committee being open. After that, the Committee could discuss the Charter chronologically.

4. Communications Committee Update

The brochures were being printed and the volunteer effort to distribute them was being organized. There was a request for volunteers. Anyone interested should contact Councilor Gannon at jgannon@watertown-ma.gov. If others had email lists, they were asked to send out a notice for the need for volunteers.

5. Preamble Committee Update

There was nothing to report for this committee

6. Next Meeting – May 4, 2021

7. Adjournment

Mr. Mello moved to adjourn; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote. The meeting adjourned at 8:16 p.m.

The Questions may be found using this link: <https://www.watertown-ma.gov/DocumentCenter/View/32120/2021-04-20--Questions>

Minutes were prepared by Marilyn W. Pronovost.