



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, MAY 18, 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 to be held on Tuesday, May 18, 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 is 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. 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 [April 6, 2021 Charter Review Committee Meeting](#)
The minutes of this meeting were tabled based on a message received from Member Fitzpatrick; therefore, the consideration of those minutes would be tabled and [the concerns would be made a part of the record](#).
 - B. Minutes of the [April 20, 2021 Charter Review Committee Meeting](#)
Member Mello moved to adopt the minutes; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

C. Minutes of the [March 22, 2021 Preamble Committee](#)

Member Mello moved to adopt the minutes; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote.

3. Finish Discussion of the Town Council Composition and Vote

Item 3 was bypassed, and the discussion went to Item 4.

4. Review Potential New and Amended Article 2 Text with Potential Votes

Mr. Ward suggested the Committee go through items regarding changes to Article 2, then go through the article by section by section and then repeat the exercise for Article 3. A running list would be kept of items that the Town Council might consider working through ordinance or policy.

The Committee began its discussion with the proposal of the Town Council determining its staffing needs. Two subsection options were listed: The hiring of an analyst along with a job description and the granting of the right to the Town Council to hire staff as deemed necessary.

Member Oates supported the idea of providing Town Council staff and asked what had prevented the Council from hiring staff in the past. Council President Sideris said the Council never explored the option; however, there is nothing in the Charter that allows the Council to act. The language relating to the analyst was fine, but Member Oates did like the simplicity of the language in the second option.

Member Hecht supported hiring Town Council staff preferring the second more generalized version because it speaks in broader terms allowing the Town Council to provide for its own needs. He had concerns regarding listing job descriptions because they are too specific for a charter. He recommended adding that the addition of staff must receive the “affirmative vote of at least five members” to serve and suggested removing the words that the staff “would be under the supervision of the council president.” The broader language would grant the Council latitude to operate as it deemed fit.

Member Martin liked the second option better and asked if there is a need to include financing through the budget to ensure the positions.

Member Ciro agreed with Member Hecht’s suggestions.

Member Fitzpatrick agreed with Member Hecht’s changes and believed the Council should have its own staff. She would like to consider language that provides budgeting for the salaries.

Member Mello agreed with Member Hecht’s language and felt that salary language should be provided in the ordinance.

Councilor Bays also stated that she agreed with Member Hecht’s revisions.

Member Oates moved to approve the language in Section 2-7(d) as amended; Member Mello seconded the motion.

In the discussion that followed, these matters were raised:

- The analyst position should be retained in the Charter to ensure that resources are being provided to the Council. Ordinances take time to be; the salary should be included to prevent having to go through the budget guidelines process

- The positions are important for the Council to operate, but should there be language to ensure the Council is given the resources needed
- The Charter should not constrain the Council; each Council should be able to decide what resources it needs; and the second option provides the Council that flexibility
- Once an ordinance is established, it becomes the law of the Town, and the Town Manager is required to fund the positions
- A concern was raised as to when this subsection could be realized.
- If the Town moves quickly, it can begin work on the matter and it can be approved once the Charter is approved
- Subcommittees could include staff that would be answerable to that subcommittee for designated purposes and this activity would not require supervision of the Council President

Comments from the public were made

Jackie Val Leeuwen – 27 Whites Avenue – She would like the language to reflect the ability to hire as a mandate; the language offered does not read like a mandate may not be implemented.

Ilana Mainelli – Suggested adding language saying staff would “serve in those positions which will be funded starting in the next City budget.” Council President Sideris stated there is a need for flexibility because a position may need to wait to be funded until the next budget and this should not have to wait. Ms. Mainelli countered with ending the language “to serve in those positions which will be funded.” People are concerned that the positions may not be funded.

Councilor Palomba stated an ordinance may include funding although this does not often occur. He mentioned the ordinance process is not a cut and dry process that can take a long time to complete. He felt that both proposed (c) and (d) subsections could be included; he would like to ensure that the Council has some policy advice.

Councilor Gannon offered a friendly amendment paraphrasing language from section (c) to be added in section (d). Section 2(d) should include the sentence “All officials of the town shall cooperate with the employees of the town council in the performance of their oversight functions.”; Councilor Bays seconded the motion.

Councilor Gannon felt this would guarantee town employees would cooperate in these matters.

Member Ciro questioned whether language could be added to Article 3 stating the Town Manager must fully fund positions deemed necessary by the Town Council. Mr. Ward stated while this could be done, he felt it would be under extraordinary circumstances where a Town Manager would ignore an ordinance and this would raise more serious questions of the Town Manager’s accountability to the Town Council.

Councilor Feltner asked if employees would be sufficient as there may be consultants who would not be employees. Mr. Ward suggested adding “and consultants” after the word “employees” so that it would read “All officials of the town shall cooperate with the employees and consultants of the town council in the performance of their oversight functions.”

Councilor Kounelis stated section 2 (d) as initially submitted is sufficient and it is not necessary to include added language because it is a given cooperation will be provided. Also, there are mechanisms to respond to a lack of cooperation by an employee.

Items in the Q&A were responded to

- Can the Town Council withhold its approval of the budget without the funding of the positions. Council President Sideris stated yes
- Is there a code of conduct that employees and contractors must adhere to? - Members were uncertain if the Town has such a code but the state Ethics Laws applies to all employees and contractors.

Member Oates concurred with Councilor Kounelis's statement. The original change is well worded; he hoped the idea of cooperation was there without it needing to be stated. He did not favor the friendly amendment.

Member Ciro felt it was important to retain the statement of cooperation.

Councilor Piccirilli felt the cooperation did not need to be restated because it is implied. Section 2.4 gives power to the Town Council and if the administration refused to cooperate, there is a much bigger problem that the Town Council can solve through the provision of the Town Manager serving at the will of the Town Council.

Councilor Feltner liked the language because in reality it is difficult to communicate directly with Department. Cooperation is implied, but there are inconsistencies in implementation. The language is not doing any harm, so it is fine if it is included.

Member Mello agreed with Member Oates.

Councilor Gannon felt the amendment clearly stated the position of the employees speaking on behalf of the Town Council. It is helpful to have the amendment guiding employees so that there is no question of their need for cooperation.

Comments from the Q&A stated:

- The first sentence as written is awkward
- Please return to the first amendment

The motion regarding the friendly amendment was adopted on a vote of 8-6. Members voting in the affirmative included Councilors Bays, Feltner, Gannon, and Palomba and Members Ciro, Fitzpatrick, Hecht, and Martin; those voting in the negative included Councilors Donato, Kounelis, and Piccirilli; Council President Sideris; and Members Mello and Oates.

The motion to accept the amendment regarding staff as amended was adopted on a vote of 13-1. All parties voted in the affirmative except for Member Mello who voted in the negative.

The amendment read as follows:

Section 2.7

"Additional Staff – The council may establish additional council support positions and consultants by ordinance as the council deems necessary and may by the affirmative vote of at least five members appoint staff to serve in those positions. All officials of the town shall cooperate with employees and consultants of the town council in the performance of their oversight functions."

Mr. Ward stated the next item would be a change to Section 2.4, the addition of subsection (b) which would state that the Town Council establish create policies to guide the Administration and would be reflected in the Council's activities.

Councilor Piccirilli moved to adopt the language adding a new paragraph under Section 2.4; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote.

The language would read as follows:

“(b) The powers exercised by the town council include the establishment of policies to guide the administrative branch in its exercise of administrative power. Such policies shall be reflected in the town council’s votes, resolutions, ordinances, appropriation orders, and loan authorizations.”

Mr. Ward introduced a new section 2-10 regarding annual Council meetings: The State of the Town and The Annual Open Public Forum. Councilor Piccirilli moved to add Section 2-10 providing for Annual Council Meetings, the State of the Town Address and the Annual Open Forum; Member Mello seconded the motion.

Member Fitzpatrick noted that the idea was to have separate State of the Town event: one for the Council President in the Spring and the other for the Town Manager in the Fall. Also, it was her understanding that each Councilor would have an event annually for their respective constituents.

Mr. Ward stated the Town Manager’s event should be included in Article 3 and that the word “and the town manager” should be removed from the proposed language; further, the words “during the spring” should be inserted after the words “Each year”.

There was a discussion as to whether there were to be two separate Annual Open Public Forums – one for the Council President, the other for the Town Manager. In the discussion that followed, these comments were made:

Mr. Martin – The State of the Town should be both the Council President and the Town Manager presenting together as it demonstrates both parties are speaking with a strong unified voice to the community and the language as originally written should be used. He also felt the Public Forum should include both parties because the goal of these meetings is to get answers.

Member Ciro – She agreed with Mr. Martin, there is an advantage to the Council President and the Town Manager presenting their visions for the Town together. She suggested reviewing the language used by Amherst. In addition, she stated there should be some assurance that a report is issued so people can review it.

Member Oates – The State of the Town should be a meeting with both the executive and the legislative branches coming together to articulate to the public the goals and the vision for the community. He agreed the language as originally proposed should be retained. The language of Amherst requiring two meetings per year could be used as a guide for Councilor meetings with the public.

Councilor Gannon - He felt the open public forum is a return to the Town Meeting for the community to ask the powers that be questions and get answers.

Councilor Donato – He believed the State of the Town should include both Town officials. He stated that currently at the inauguration, the Council President does something similar to the state of the town. He wondered if during an election year, the inaugural speech could substitute for the spring State of the Town meeting.

Councilor Feltner - She cautioned members about mandating too much and not providing for some flexibility. She thought the inaugural speech should not be included as a state of the town as the community is looking for a dialogue and not a speech.

Member Mello – He felt January should be the State of the Town and the Public Forum should be in September or October after the summer is over.

Councilor Piccirilli – He was concerned with having two States of the Town addresses because it separates the Town’s business into silos with competing visions. The timing of the meetings should be flexible as the calendar has certain cycles needing attention, especially the budget. He also did not want to tie future councils with the limitations of when the meetings occur. Because these will be special Town Council meetings, the Town Manager will be required to attend and under the Open Meeting Law, minutes will be taken providing a record of what occurred. He thinks it is wiser to be less specific in the matter of timing.

Member Ciro - She stated both Bridgewater and Amherst had good language that should be considered. Bridgewater requires at least 2 meetings/year to obtain input into the policies of the town. It requires the citizenry be provided with a 14-day notice with people being permitted to submit questions. Amherst requires 2 meetings/year: one to address the Master Plan and the other, the budget. The meetings purposes are to alert the public on issues and to obtain feedback from the community. District Town Councilors are required to hold 2 meetings/year for the purpose of providing communication between town and its citizens. She asked why either of these provisions were not used for this section. Mr. Ward stated that he was trying to keep the language simple but had no objection to either set of provisions.

Member Martin – He felt the inaugural address is more of a statement rather than an address. The address should have the Council President and the Town Manager working together. He also suggested removing the word “two” in the first line because there may be more than two such meetings held.

Councilor Feltner – She raised a concern about mandating two meetings as this would add 8 meetings among the four district councilors. This could create a drain on the calendar and staff time and would require compliance with the Open Meeting Law.

Member Fitzpatrick – She liked the language and felt that the meetings should not be limited to district councilors; at-large councilors should be included.

Councilor Palomba - He felt the State of the Town meetings should have separate messages from the Council President and the Town Manager, they should not be a unified statement. He liked the concept of open dialogue. If naming the events as meetings to provide more procedural requirements was needed, then he favors that concept. All Councilors should be subject to the requirements and even though it may be difficult to schedule, it will happen because it is a mandate.

Councilor Gannon – He felt that all councilors should be available for meetings to answer the public’s concerns and to explain how the town works.

Member Ciro – Even though there will more meetings, this is one of the reasons that more staff for the Town Council is being requested.

Council President Sideris stated the inauguration speech is not a vision of the Council because the Council President is not elected by the Council. The inauguration is an event for the elected officials with the hope that they will work collaboratively.

In the Q&A and Public participation, the following was brought up:

Chris Penland – Opposed the joining of the inauguration with the State of the Town address. The inauguration is a ceremonial event and is not the place for serious questions to be asked by the public.

Marcy Murningham – Is there a way to include remote and virtual participation as an option because this allows for a wider participation by the community.

Elodia Thomas – There should be one State of the Town event for the Council President and the Town Manager.

Chris Penland - For each of the suggested meetings, questions should be directed to the Town Manager with a response from the Administration.

Marcy Murningham - Where are the accomplishments to match the goals. There are no concrete metrics to demonstrate how progress is being measured.

Janice Hudson – Capitol Street – She understood the need for general language so as not to be too restrictive, but in this case, the language can be more restrictive to provide accountability. Bridgewater’s statements require some standards around communication and capacity. She liked the balance of the formality of the State of the Town with the informality of the Public Forum. The Councilors could host the forums. She believes that the State of the Town should be separated from the inaugural address.

Ilana Mainelli – Because many people may have issues with attending the meetings or forums, the content should be posted within a week of the event and should be on the website so that it is available to all.

Councilor Piccirilli – He offered a suggested breakdown. Section 2.10 should be broken into 3 subsections

2.10 (a) – The language from Bridgewater could be used for the State of the Town address replacing the originally proposed language.

2.10 (b) - The language regarding the Annual Public Forum from Bridgewater could be substituted for the original proposal. The number of meetings should be changed from two to one.

2.10 (c) – The language regarding the Councilor meetings from Amherst could be incorporated. The open questions are whether all councilors should be included and if the required meetings should 1 or 2/year. He raised the concern that these meetings could become political events.

Member Ciro – The language in 2.10 (a) and (b) are fine; however, she felt that it should be stated that public participation is permitted. Also, the individual councilor meetings should include all councilors. The meetings should be stated as a minimum of one meeting or more as deemed necessary by the councilor. This would allow the councilor to determine the need for meetings based on the needs that should be addressed.

Member Hecht – He raised a concern about 2.10 (a) where the State of the Town message is an address to the Town Council and the citizens of the town. The purpose of this meeting is to address the citizens and to receive their comments. The last sentence of that subsection mentioning the message would set the agenda and goals of the Town Council may need revision. This meeting is an opportunity to communicate with the citizenry about what is happening in Town and to solicit a response from citizens which in turn could influence the goals and the agenda of the council. He was concerned the language may overcomplicate the intended goal.

Councilor Feltner believed having a minimum of 1 meeting for each councilor, both district and at-large, is good. The language is not too specific and provides options for each councilor. The point of these meetings seems to be the chance to have more of

a dialogue and elicit responses, even if no answers are available at the time. She also suggested the removal of the method of notice as there are many sources available.

Councilor Gannon – He agreed with Member Hecht that the Council should not state the goals and agenda. Hearing the concerns of the electorate allows for the Town to adhere to evolving town goals. The Town benefits when it hears from all. He wanted the councilor meetings to include the at-large councilors as well.

Councilor Kounelis – She felt that the initial proposals of the state of town meeting should be the Council President working in conjunction with the Town Manager and the Open Public Forum or Special Meeting to include the Town Council and the Town Manager to openly review and discuss issues of concern to area residents is fine. She asked members to be mindful that many area residents are not seeking open positions and to be careful about adding more responsibilities on those willing to serve. Councilors can be responsive to constituents in various ways, but the specific meeting should not be dictated; it is not appropriated or warranted. If included, she could not support the change.

Member Fitzpatrick – She agreed with Member Hecht; the State of the Town is for the residents, but she does feel the Council President should be stating the Council's goals and agenda. Residents are looking for metrics and measurables and such statements set the Town's vision. Residents want to have it communicated, to know what direction the Town is moving in, and to know who will stand up for Watertown amidst all the changes occurring. She agreed with each councilor having their own meetings. The inauguration speech should be separated from the State of the Town because the inauguration is a celebration, and it should remain that way. She would like to see a separate address from the Town Manager because it would provide accountability, something residents are desperately seeking.

Councilor Palomba – He asked if the State of the Town Address would be written by the Council President and the Town Manager together as a joint statement. Council President Sideris stated that he envisioned it as an address where both parties would work together but address different matters: The Town Manager could address the budget while the Council President would address the issues the Town Council is working on. Based on that response, Councilor Palomba felt there should be two separate presentations. While he understood the concerns of the Council President setting the goals and agenda, he stated the address alone would have an element of goal setting. He was fine with the goal setting being stipulated or implied. He liked the idea of one meeting per year per councilor.

Remarks from the public were heard:

Ilana Mainelli – The required public meetings should apply to all councilors; the issues may vary between the district and at-large councilors. Councilors should be expected to engage with their constituents; no matter the method, public forums, coffee hours, or other, but it should be a two-way method communication. Notice of the State of the Town should be posted on the website so that it is accessible to all.

Elodia Thomas – She agreed with Councilor Kounelis regarding the Councilor meetings. Each councilor has their own style of communicating and they should not be hamstrung with a specific method of communication. The Charter needs to be careful to not be so prescriptive. Any councilor can have a meeting at any time.

Member Hecht – He wanted to clarify his concerns regarding the agenda and goals in the State of the Town address. He favored setting goals and the agenda because it helps to organize, gives momentum to government, and provides communication from and to the residents. The charter has other places where goal setting should be listed.

Without a stated definition and process for goal setting, it seems like it is putting the horse before the cart.

Member Ciro – She reiterated it is important for town councilors to have meetings with their constituents. In regard to the State of the Town message, she was concerned about requiring the publication of a report and the allowance for a period of public comment that would then be addressed.

Councilor Piccirilli – He suggested making a change in the second sentence of 2.10 (a) by removing the word “opportunities” and inserting in its place the words “goals and vision” so that it would read that the State of the Town message would list potential goals and visions for the betterment of the Town. He felt comfortable with the other changes. In subsection (c), he wanted to clarify that the Council President was not included in the requirement of individual councilor meetings.

Councilor Piccirilli withdrew his original motion and moved to adopt the language as amended during the discussion.

Member Hecht – He disagreed with the change offered by Councilor Piccirilli in the second sentence of 2.10 (a) by removing the word “opportunities” and inserting in its place the words “goals and vision” because such activity is a collective process. He was worried the Town Manager and the Council President will believe it is their job and will want or feel obligated to take on what is a collective role. The process is not defined and that is an important question whose response cannot be assumed.

Councilor Feltner agreed with Member Hecht’s suggestions. She noted seven-days’ notice was sufficient and perhaps the listed structure of the message was not necessary in order to provide flexibility for the Council President to set the tone of the message. In subsection (b), she suggested the removal of the word “fiscal” so that the Public Forum would be made in a calendar year.

Member Ciro – She suggested the removal of the words “state of the town” in subsection (a) to read the council president and the town manager would “shall prepare and a yearly message to the residents” rather than a fiscal year message.

Member Fitzpatrick – In subsection (b) there is no requirement for responses from the town officials regarding the issues raised. Council President Sideris stated the reading implies a response as it would in a town meeting. Mr. Ward suggested incorporating language from subsection (c) which would list two-way communication is required into subsection (b).

Council President Sideris stated that Mr. Ward could work on crafting that language and present it to the Committee at the next meeting for review.

Councilor Piccirilli withdrew his motion so that there would be no voting on the language.

10. Overview of Next Meetings

Council President Sideris moved to Item 10 due to the lack of time. Mr. Ward stated that there were 3.5 items left in Article 2 and 6 items in Article 3 and other subsections. He requested all members provide him with their suggestions for the remaining articles so that he could organize the material.

8. Communications Subcommittee Update

Member Ciro stated the Communications Subcommittee had nothing to report.

9. Preamble Subcommittee Update

Councilor Palomba stated there was nothing to report except that the Committee would be meeting on May 24.

A question was raised as to when the proposed preamble should be completed. Council President Sideris stated it should be completed in July.

Questions were asked as to whether a preamble would require a home rule petition; what other items might require a home rule petition; when voting on the charter, is the ballot question an acceptance or rejection of the whole proposed charter; and would changing Watertown to a City rather than a Town require a home rule petition. Mr. Ward stated he did not believe a petition would be needed regarding the preamble. He felt a home rule petition might be required for changes in Article 4 (changing the responsibility of the Council President such as it might relate to communication) and Article 5 (the possible delegation of membership to the School Committee to another member). He stated there were different methods of how the question appears on the ballot and he would like to discuss this at a later time in order to provide accurate information. Mr. Ward was unsure about whether a home rule petition is needed regarding the change of the name to the City of Watertown but he would check it out.

Councilor Palomba said it was his understanding that the Preamble would be addressed when the Committee discusses Articles 7, 8, and 9.

Resident proposals should be discussed because it would be respectful to those trying to have a voice and offering ideas and proposals. Watertown is at a point of change and tremendous growth. The Town cannot control the growth, but it can guide it.

5. Proceed Through Article 2 Chronologically for Other Items Raised by Committee Members

6. Begin Discussion of Article 3 with Potentially Non-Controversial Topics

7. Proceed through Article 3 Chronologically for Other Items Raised by Committee Members

8. Communications Subcommittee Update

For the minutes on this item, please find them after Item 10 above.

9. Preamble Subcommittee Update

For the minutes on this item, please find them after Item 8 above.

10. Overview of Next Meetings

For the minutes on this item, please find them after Item 4.

11. Adjournment

Councilor Piccirilli moved to adjourn the meeting; Member Mello seconded the motion. The motion was adopted unanimously on a roll call vote. The meeting adjourned at 8:33 p.m.

The Q & A and chat may be [reviewed at this link](#).

Minutes were completed by Marilyn W. Pronovost.