



# 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, JUNE 15, 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 call 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, June 15, 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 has only remote opportunities for participation with public access provided as follows:

#### **ACCESS INFORMATION:**

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
- B. Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/96419264286>
- C. Public may 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 may also comment through email: [vpiccirilli@watertown-ma.gov](mailto: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 Charter Review Committee – [May 4, 2021](#)  
Councilor Piccirilli moved to accept the minutes of May 4, 2021; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.
  - B. Minutes of the Charter Review Committee – [May 18, 2021](#)  
Member Oates moved to accept the minutes of May 18, 2021; Member Mello seconded the motion. The motion was adopted unanimously on a roll call vote.
  - C. [Minutes of the Preamble Committee Meeting](#) – June 7, 2021  
Councilor Piccirilli moved to accept the minutes of June 7, 2021; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote.

D. Minutes of the [May 24, 2021 Preamble Committee Meeting](#)

This was posted in error; therefore no further action was needed as these minutes were already approved.

3. Continue Discussion of Remaining Items from Last Four Meetings and Vote

Section 2.2(b)

Mr. Ward offered new language for Section 2.2(b):

“Powers and Duties – The council president shall be recognized as the official head of the town for all ceremonial purposes and shall be recognized by the courts for the purposes of serving civil process.

The council president shall be the presiding officer of the town council. The council president shall have no power of veto but shall have the same powers as any other member of the town to vote upon all measures coming before it. The council president shall be responsible for coordinating the development of council goals and policies, and for facilitating the development, periodic review, and updating of a long-term vision for the town, in collaboration with the council, the town manager, and members of the public. The council may vote to designate the council president the council’s temporary spokesperson during emergencies or for specific topics, and the council may also vote to revoke such designation. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by vote of the council.

The council president shall also serve as a member of the school committee and shall update the council regularly on school committee matters. The officer provided for in this section shall be referred to as “council president”, but ballots used in electing the said office shall contain the words “council president and member of school committee.” (Underlined words are additions to current language)

Member Mello moved to adopt said language; Councilor Gannon seconded the motion.

A question was raised about the need to vote for the council president to be the spokesperson during an emergency. Mr. Ward explained it was left open for the council to define. It could be at the beginning of each new term or on the specific emergency which could even be an online meeting.

Another question was what constitutes an emergency. The open meeting law is suspended during an emergency and the full body is not expected to be present. Alternative methods are acceptable. State law and the Charter definition of emergencies would be a sufficient as to what an emergency was. Emergency powers could be clarified through the town council rules and the language should remain intact in the charter.

A clarification was made that the collaboration with the council, town manager, and the public related to the clause relating to facilitating the town’s long-term vision.

The motion to adopt the language was adopted unanimously on a roll call vote.

Section 3-2

Mr. Ward then went on to the town manager review process and offered language to clarify the process as previously discussed. He offered language that read:

“The town council shall conduct an annual review of the town manager’s job performance in a manner provided by ordinance. This review shall include specific

metrics and goals related to the power and duties outlined in Section 3-2, as well as opportunities for public input.”

Rather than just reference communication and public engagement, the suggested language would put all concerns on an equal footing by referencing the powers and duties listed in Section 3-2. The ordinance could then place a larger emphasis on other factors such as communication and public engagement. It was suggested the language should read “include specific metrics for goals” and remove the word “and”.

Councilor Palomba moved to accept the alternative wording developed by the project team as amended; Member Mello seconded the motion. The motion was adopted unanimously on a roll call vote.

### Section 3-6

Mr. Ward offered language regarding the establishment of a Residents’ Advisory Committee in a new section after Section 3-6.

“The Town Manager shall establish a Residents’ Advisory Committee to assist with recruitment, evaluation, and selection of candidates for appointment to multiple-member bodies. In making appointments, the Town Manager shall seek to appoint individuals with relevant expertise or experience. The Town Manager shall work with the Residents’ Advisory Committee to establish policies and practices to actively encourage a diverse pool of applicants for multiple-member bodies.”

A concern was raised that there was no definition for multi-member bodies, and advisory committees might be excluded; it was dropped when Mr. Ward stated there was a definition of multi-member body in the Charter broad enough to include such groups.

A suggestion was made to insert in the second sentence, “In making appointments to multiple-member bodies, the Town Manager shall seek to appoint individuals with relevant expertise or experience.”

Another suggestion included adding a new last sentence, “The Town Manager and Residents’ Advisory Committee shall recognize the importance of gender identity, sexual orientation, race, and ethnicity when nominating candidates for multiple-member bodies to the town council.”

A further suggestion was to state “recognize the importance of diversity” rather than list each specific class. Enumerating the classes could be limiting language when the intent is to be inclusive. Another suggestion was to list “diversity such as gender identity, sexual orientation, race, and ethnicity when nominating candidates for multiple-member bodies to the town council.” This seems less exclusive. Another option was to list “diversity such as but not limited to.”

It was also suggested to change the language to state in sentences two and three: “In making appointments to multiple-member bodies, the Town Manager shall seek to appoint individuals with relevant expertise or experience. The Town Manager and the Residents’ Advisory Committee shall recognize the importance of diversity in nominating candidates and shall work with the Residents’ Advisory Committee to establish policies and practices to actively encourage a diverse pool of applicants for multiple-member bodies.”

A concern was raised with the concept of the Advisory Board because there is difficulty in getting people to serve. If a member of the board wanted to apply for a position, could they still participate on the board. The response was this was the purpose of this board: recruiting those who would not necessarily come to the attention of the

administration. It was also suggested to insert language emphasizing the need to hire a diverse staff. This board could be a recruitment and mentoring option for new community appointees.

Councilor Palomba moved to accept section 3-2 (b) and an entirely new section after section 3-6, be approved as amended; Councilor Piccirilli seconded the motion.

A concern was raised with the use of the “nominating” candidates as being potentially confusing. It was suggested that the sentence read as follows:

“The Town Manager and Residents’ Advisory Committee shall recognize the importance of diversity in appointments, including but not limited to, gender identity, sexual orientation, race, and ethnicity ~~when nominating candidates for multiple-member bodies to the town council.~~” In order to not be verbose, it was suggested that the second sentence not be amended.

Councilor Palomba amended the motion to read that the section would be accepted as further amended; Councilor Gannon seconded the change. The motion was adopted on a roll call vote of 13-1. All members voted in the affirmative except for Councilor Kounelis who voted in the negative.

The new subsection would read:

“The Town Manager shall establish a Residents’ Advisory Committee to assist with recruitment, evaluation, and selection of candidates for appointment to multiple-member bodies, the Town Manager shall seek to appoint individuals with relevant expertise of experience. The Town Manager shall work with the Residents’ Advisory Committee to establish policies and practices to actively encourage a diverse pool of applicants for multiple-member bodies. The Town Manager and Residents’ Advisory Committee shall recognize the importance of diversity in appointments, including, but not limited to, gender identity, sexual orientation, race, and ethnicity.”

4. Proceed through Articles 2 and 3 Chronologically for Other Items Raised by Committee Members

Mr. Ward began the chronological review of Articles 2 and 3. Councilor Donato asked that the words “councillor” and “councilor” have a consistent spelling. The word Councilor is used in daily practice. Councilor Donato moved to have the spelling be “councilor” throughout the Charter; Member Mello seconded the motion. The motion was adopted on a roll call vote of 13-1. All members voted in the affirmative except for Councilor Feltner who voted in the negative.

Section 2.2 (c)

Section 2.2 (c) – Councilor Palomba suggested limiting the Vice-President’s position to “no more than two consecutive terms”. Member Ciro agreed with the idea of giving an opportunity to others to participate in the position. Member Hecht asked what the rationale was for the change. Councilor Palomba felt it was an important position where one could learn a great deal. It would be an opportunity for each councilor to gain more experience by taking on more responsibility and would be a matter of sharing the wealth and the knowledge, thereby allowing the councilors to become more effective.

Councilor Palomba moved to adopt the language of Section 2-2(c) to read “Council Vice-President – As soon as practicable after the councilors elect have been qualified following each biennial election, the town council shall elect from among its members a vice president for a two-year term who shall act as president during the absence or disability of the council president. No vice president shall serve more than

two consecutive terms. (Underlined words indicate amended language.); Member Ciro seconded the motion.

In the discussion, members saw no reason for change as it seems to be working well currently. A concern was also raised regarding the term limits. If term limits are to be adopted, then the top vote getter should be vice-president. It was mentioned that this would then deny district councilors from being selected. Some felt the council was able to decide for itself and that it would adjust to the person who is council president.

Support for the change was based on the idea that just because something is not broken does not mean that a change should not be made. Change should be considered and made when it provides an enhancement, a benefit, or an improvement. Being vice president can be a good training ground for a future council president; promotes diversity of ideas; provides more interest in the council; and gives an increased voice to someone who may have a smaller voice currently. This is an attempt to take some of the politics out of the political process.

The motion failed on a vote of 4-10. All members voted in the negative except for Councilors Bays, Gannon, Palomba, and Member Ciro who voted in the affirmative.

#### Section 2-3 (a)

Section 2-3 (a) Council President Sideris suggested that compensation would be examined at the beginning of each new term so that the language would read “(a) Salary – The town council may, by ordinance, provide an annual salary for its members. The salary shall be examined at the beginning of each term.”

After concerns were stated about the language, Council President Sideris rescinded his request.

Councilor Feltner believed there was no need to limit an increase to the first eighteen months of a term as other communities did not have such a restriction. Councilor Donato suggested that the second sentence read “No ordinance increasing such salary shall be effective, ~~however, unless it shall have been adopted during the first eighteen months of the term for which town councilors are elected, and it provides that such salary is to take effect with~~ until the organization of the town government following the next biennial election.”

Members discussed methods for objectively determining a salary increase. There are some advisory committees of 5-7 members who would survey salaries of comparable cities. The committee would make a recommendation, but the town council would still need to vote on the matter. One person commented that there should be a mandatory review time; otherwise, nothing gets done, and it is a matter that needs to be considered. The matter of deciding on compensation could be by ordinance.

Councilor Feltner moved to adopt the language as amended; Councilor Palomba seconded the motion.

The motion failed on a vote of 4- 10. All members voted in the negative except for Councilors Bays, Feltner, and Palomba and Member Ciro who voted in the affirmative.

#### Section 2-5

Section 2-5 Councilor Donato questioned the use of the words “town bulletin board” in Section 2-5 (c) (ii) based on the new policy of the Town Clerk that the website would now be considered the legal site for posting notices.

Mr. Ward felt the definition of Town Bulletin Board covered the situation. Others felt the bulletin board was an essential method of communication and should not be removed as it could exclude those without computers. The definition needs to be updated to include electronic communication. Another concern raised was the language stating notice of Special Meetings would be given in writing – does this include emails? All notifications are completed electronically. It was suggested that the notice be provided in writing or electronically.

The Committee moved on to the content of the section. Member Fitzpatrick offered two suggestions; she would like to include language

1. To post the public comment from Town Meetings and to provide a response to those comments on a page of the website
2. To post the Councilors' requests for information and to publish the response to those items on a page of the website.

It was suggested that these changes fit in more closely with Section 2-6 with the addition of subsection (e).

- “1. Require posting of public comment from Town Manager and responses to those comments on its own page on the town website.
2. Require Councilor Requests for Information and the replies to be published on its own on the town website.”

A concern was this change should be addressed in Council Rules rather than the Charter. It more properly relates to rules of procedure: how the Council and the administration communicate with each other and the public. Items such as miscellaneous information was not a required action; it was merely something created by the town manager. If this language were to be added, then definitions for requests for information and public forum would need to be created.

Councilor Palomba called the question for the committee to vote on the motion of accepting the suggested wording of (e) 1. And 2. Council President Sideris requested more time for discussion on the matter.

The need for communication is a long-standing complaint; adding such a requirement in the charter is a statement that the Town is dedicated to communicating with its constituency and the public. With the language, the Town is stating its willingness to demonstrate how it operates and requires communication with the electorate. The communication requirements should be elevated over a change in the Town Council Rules. Section 2-5 (c) 4 could require the posting of responses and Article 3 could be amended to require responses to the requests for information be on the website.

The provisions of subsection (e) need to be amended. The term “Town Meeting” is incorrect and should be replaced with the words “Public Forum” or “town council meetings”. Statements made during the Public Forum are included in the Town Council Minutes. It seems the questions posed should be posted with a response coming later. How should questions relating to the legislative function be handled as it is not something the Town Manager should be responding to. One way would be to state this is a legislative matter that the Town Manager is unable to respond.

All comments should be recorded on the website whether it be a comment or a question. This keeps the community informed regarding people's concerns and provides a path to accountability. It is not expected that the responses will be immediate; but when it is received, it should be added included on the website. A

concern was raised that some words may need definition. It was determined that Mr. Ward would review the language and provide appropriate suggested wording.

#### Section 2-6

Councilor Palomba suggested changes to Section 2-6 Access to Information in subsections (a), (b), and (c) whereby upon the request of three or more members, rather than the quorum of five, investigations could be made, appearances of the town manager or those who provide services could be required to appear before the council. Also in subsection (d), there would be a change in providing written notice from five to three days to appear before the council.

Some raised concerns that a minority of three could require information in a manner that seems to turn democracy upside down. Others suggested that subsection (1) should be a quorum vote because the language relates to an investigation, but subsections (b) and (c) were more a matter of councilors seeking answers and clarification of an issue and should not be viewed as an inquisition. Lowering the threshold could empower people to seek answers before a situation becomes overwhelming.

The language in (b) and (c) relates to serious matters under extraordinary circumstances and not to requests for information. The section needs to be viewed as a whole: Subsection (a) relates to an investigation process and (b) and (c) support how the investigation is to be completed. Confrontational legal processes are being addressed in the Charter language and that should require a quorum vote. Another concern is an employee could be summoned to appear on the vote of three, invoke his/her right to an executive session under the Open Meeting Law which must then be permitted by a quorum vote of five. If there were a large problem, it would seem the majority of councilors should be the ones seeking an investigation. The offered change has the potential for violating the civil rights of individuals exposing the Town to a potentially large liability.

It was suggested that the section should be renamed to reflect the idea this section relates to more than access to information. Based on the conversation, Councilor Palomba withdrew his motion as it relates to subsection (a) but requested more clarification as it relates to subsections (b) and (c). It was agreed Mr. Ward would try to provide clarification and improved language to this matter.

5. Begin Discussion of Remaining Articles with Potentially Non-Controversial Topics
6. Begin Proceeding Through Remaining Articles (Preamble 1, 4, 5, 6, 7, 8, and 9) for Other Items Raised by Committee Members
7. Discuss Final Meeting and Final Report  
Mr. Ward mentioned there would be a final report listing the suggested changes, a list of non-charter items for the Town Council to pursue, and items for which there was insufficient time to cover.
8. Preamble Committee Update  
Councilor Palomba stated the Committee's minutes that were approved include the preamble proposal. Council President Sideris mentioned it would be discussed at the next meeting .
9. Next Meeting – June 29, 2021  
Mr. Ward stated there were a few items to discuss such as the composition of the Charter Review Committee, the Preamble, the issue of the City v. the Town of Watertown. He requested members to send their top priorities for discussion.

A request was made to discuss appointments to the Planning and Zoning Boards.

10. Adjournment

Councilor Piccirilli moved to adjourn the meeting; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote. The meeting adjourned at 9:16 p.m.

Minutes were prepared by Marilyn W. Pronovost