



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 29, 2021 AT 6:00 PM MEETING WILL BE LIMITED TO REMOTE PUBLIC ACCESS ONLY

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

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 at 6:01 p.m. Those present were Councilors Caroline Bays, Anthony J. Donato, Lisa J. Feltner, John G. Gannon, 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. Councilor Angeline B. Kounelis was absent. Also present was Michael Ward, Director of the Collins Center.
2. Review and Approval of Minutes
Minutes of the Charter Review Committee – [June 1, 2021](#)

Member Mello moved to accept the minutes of June 1, 2021; Councilor Piccirilli seconded the motion. The motion was adopted unanimously on a roll call vote.

Due to a technical glitch, live streaming was interrupted at 6:03p.m.; service returned at 6:08 p.m. Councilor Piccirilli completed a roll call. All members were present except for Councilor Kounelis who had not yet arrived.
3. Complete Discussions on Article 2 Topics (Suggested Discussion Time: 30 minutes)
Mr. Ward began the discussion with providing language for in Section 2-5 (v) to read: “(v) All public comments and replies made during the meeting shall be included on the Town website. Replies provided after the meeting shall be added when the reply is made. All councilor requests for information from the town manager or other town officers and replies made during the meeting shall be included on the Town website. Replies provided after the meeting shall be added when the reply is made. Any information regarding the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or information regarding the

discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member, or individual shall not be subject to this section.”

The language provides for entries on the website for requests for information. The language relies on language from the Open Meeting Law to provide for exceptions for inappropriate material. A suggestion was made to include a time limit for when a response is required. Councilor Gannon suggested that the language “regarding the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or information regarding the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member, or individual shall not be subject to this section.” be removed and in its place the words “prohibited from disclosure by the state public records law shall be exempt from this section.”

Member Fitzpatrick suggested that the public comments should be included as well. She suggested that wording of “public comments made during the public comment section of the town council meeting” should be included. Council President Sideris suggested using the words “public forum” as that is the term the Town Council uses. She stated that while she understands the desire for a timeline, state law establishes a timeline in which information is to be completed.

It was stated that it is the public forum questions for which there is no response made at the meeting that should be included in the wording. The suggested change was to remove the words “and replies made during the meeting” inserting in its place the words “and questions during the public forum section of meetings and resulting answers”. The second sentence reading “Replies provided after the meeting shall be added when the reply is made.” was removed because it was redundant. Because this created some confusion, the second sentence was reinserted.

Councilor Piccirilli 2-5 (v) as amended, Member Mello seconded the motion. The motion was adopted unanimously on a roll call vote.

Mr. Ward moved to Section 2-6 (b), (c), and (d). The Center reviewed other town manager charters and no other group provides for a minority vote. This is used for serious circumstances. It was felt that if the issue were sufficiently serious, a majority should be able to bring the matter before the council; it seemed too risky to permit minority voting. In subsection (d), other charters provided for 2-5 days’ notice to those requested to appear before the council.

Councilor Palomba withdrew his previous amendment.

A question was raised regarding the clarity of the section title. Council President Sideris agreed to make note of this section when KP Law would review the changes. of section Councilor Piccirilli moved to leave the section as is and in the interest of time move on; Councilor Gannon seconded the motion. The motion was adopted on a vote of 12-1. All members voted in the affirmative except for Councilor Palomba who voted in the negative.

In Section 2-7 Officers Appointed by the Council or Council President, it was stated that an indefinite term of office for the auditor should be changed to a specific time period. Others disagreed that no other office had such a limit and by limiting the period, it would be hard for the town to attract good candidates. The council has the power to attract and to dismiss if needed. Councilor Feltner moved to remove the words indefinite “for an indefinite term of office” and replace it with the words “for a term of five years”; Councilor Palomba seconded the motion. The motion failed on a

vote of 3 – 10. Councilors Palomba and Members Ciro and Fitzpatrick voted in the affirmative with all other members voting in the negative.

Councilor Palomba withdrew his suggestion to remove the wording in subsection (d) that stated the Town Auditor is under the day-to-day supervision of the Council President because if someone needs to be in line of responsibility, it should be the Council President.

Member Hecht stated there should be a clarification to Section 2-7 where the town auditor is hired by five votes but there is no similar requirement for the removal of the auditor. The suggestion was to remove the words “that a vote of the town council to remove the town auditor or clerk of the council” and replace it with “that the affirmative vote of at least five members of the town council shall be required to remove the town auditor or clerk of the council”. This would remove the potential of a minority removing the auditor.

Councilor Feltner asked if this section should clarify that the town auditor reports only to the town council. Mr. Ward stated there was an insufficient time to discuss what would require a substantial discussion. The point was countered with the comment that the town council voted to provide the auditor an additional stipend to oversee other financial managers to create a unified financial management process for the Town; it has worked well; and it should not be altered. If a change were needed this could be completed by ordinance. Others felt it was important to recognize that many residents feel the auditor cannot complete both functions equally, that this is not a separation of powers.

Councilor Feltner moved to accept the proposed revisions to Section 2-7 (d); Member Ciro seconded the motion. The motion was adopted on a vote of 12-1. All members voted in the affirmative except for Councilor Palomba who voted in the negative.

Mr. Ward stated Section 2-7 was the appropriate place to determine how the Planning and Zoning Board members are appointed. He reviewed the current method for town council communities.

Appointment	Planning	Zoning
Council	2	2
Council President	1	1
Manager	10	12
Elected	2	0
Total	15	15

Member Ciro moved to have the members of the Planning Board and Zoning Board appointed by the town council rather than the town manager; Councilor Palomba seconded the motion. Member Ciro stated she felt the focus of the town manager was to obtain revenue for the community, while the town council’s focus was both the budget and constituent issues, something that is being neglected by the administration. The change would create a better balance of power.

Those who favored the change felt that these are two key boards making decisions on development and the town council should have the opportunity to have a say in who is appointed. There is very little oversight currently of the developers’ requests; the comprehensive plan is not being followed; the zoning laws are out of date. The town needs to have more control over the process and have members adhere to these plans. This change would be a good shift in power between the town manager and the town council. plan more of a public process public could demand better.

Although the council has the power to confirm, there is a significant difference between approval/confirmation and appointment. The decision to appoint someone be done by more than one person so that more perspectives are represented. The committee needs to consider the future and not just what is working currently. The council needs to be more active in these decisions.

Those opposed to the idea believed that the town council does have the final say through the confirmation process; a person may be deemed unacceptable and not confirmed. The council needs to exercise its power if needed. If the council were to be the appointee, all of its work must be done in public; this might discourage people who are interested but may be rejected in public from coming forward. Currently, it is difficult to find people willing to fill these positions; members are subject to the ill will of many in the community based on their decisions. The town manager appoints people based on the policy directives of the town council; this process reduces the politicization of the appointment process. A concern was raised that once the council became the appointee, the influence of developers upon the members could increase to the detriment of the community. Two committee members who have served on boards stated the current process works; the council has the authority to refuse confirmation; and there has been no interference with their authority by the administration. To add this responsibility to the council would only add another layer of work.

The motion failed on a vote of 3 – 10. All members voted in the negative except for Councilor Palomba and Members Ciro and Fitzpatrick.

Member Hecht suggested a change to Section 2-8 Ordinances by adding a new paragraph to say “The clerk of the council shall regularly post on the town website and place on file in the town clerk’s office all town council votes, resolutions, appropriation orders, and loan authorizations.”

Members favored including this as it would be a way to keep track of records. The word publication should be defined as this is term of art that is fluctuating. It was noted all this material appears in the addendum; however, members felt there should be a dedicated space for this information for easy access.

Member Fitzpatrick moved to accept the language; Councilor Piccirilli seconded the motion. A friendly amendment was offered to add after words “regularly post on” the words “a dedicated space on”. Member Fitzpatrick accepted the suggestion. The motion was adopted unanimously on a roll call vote.

Mr. Ward said there were some suggested changes for Section 2-9 Filling of Vacancies. He suggested that this was basically wordsmithing with no substantive changes. Councilor Feltner raised the concern that there should be a timeframe of 30-45 days for filling a vacancy. The committee decided that Mr. Ward should make the appropriate language corrections and include the concern regarding the vacancy timeframe for consideration at the next meeting.

Mr. Ward F mentioned a new Section 2-11 was suggested that would read
“SECTION 2-11. HUMAN RIGHTS COMMISSION
The town council shall establish a Human Rights Commission by ordinance.”

Councilor Bays stated she suggested this wording because there are very few places in charter that establish the town’s values, especially as it relates to human rights. By creating the commission, this is a statement to the community that the Town sees this as such an important value it is singling it out in the Charter.

Those who favored the idea felt this is an essential element of a constitutional document. The federal constitution has the Bill of Rights; the State Constitution has a Declaration of Right; and the Town Charter needs a commitment that focuses on the civil rights of its citizens. It is a statement of who we are and who we aspire to be. It can be a tool to educate and direct the community and would serve as a voice of the unheard welcoming all.

Those who disagreed with the language stated they favored the concept but felt the Charter was not the place for this. The Preamble stated the community's values. Also it would not provide a sufficient community process.

Councilor Piccirilli moved to adopt the new Section 2-11; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

It was suggested that in Section 2-9 (b), language should be included that if the vacancy is for a district councilor, the councilor must live in the district as it appears to be inconsistent with the definition.

The discussion moved to Item 8

8. Preamble Committee Update

Members of Subcommittee stated that the group worked diligently to prepare the preamble and reviewed several preambles of other communities. Many people assisted in its preparation. It is a statement of basic principle and goals for the charter. It is a construct of ethics, principles, and practices that reflect the community. Council President Sideris stated that it would be taken up at the next meeting and voted upon.

The discussion then moved to Item 7.

7. Discuss Final Report (Suggested Discussion Time: 20 minutes)

Mr. Ward suggested a final report could be broken into three sections

1. An explanation of the recommended changes
2. A list of the non-charter items that should be reviewed
3. A list of items worthy of consideration but for which there was insufficient time to consider

Despite having to complete the review during the pandemic and having the proceedings remotely, the town has provided a strong package of substantive changes. Mr. Ward mentioned there were only a few more major items for discussion:

- The composition of the next charter review committee
- The powers and duties of the town manager
- The designation of Watertown as a town or a city
- Article 5 changes

He stated he would try to assist the Communications Subcommittee provide communication methods for the Charter. He was requested to provide public notification changes when he attends.

The Committee then began the discussion in Article 1 as to whether Watertown should be referred to as a town or city. Relevant changes would be made throughout the charter if Watertown were to be referred to as a city. In addition, paragraph 2 of Section 1-4 would be deleted which states that Watertown would technically be a city but would be referred to as the Town of Watertown.

Councilor Palomba moved to approve change in section 1-1 of referring to Watertown as a city and to remove paragraph 2 of Section 1-4; Member Fitzpatrick seconded the motion.

Members were supportive of the change; however, many questioned if this required that all designations of being a city had to be completed and if an implementation date should be included in the charter. Mr. Ward said he would look into the matter and report back. Others stated this was just a side issue of the change and that the changes could be phased in.

Council President Sideris asked Councilor Palomba if he would be willing to delay a vote on the motion as there some matters to be clarified. Councilor Palomba agreed to this course of action.

The Committee discussed some suggested definitions. Councilor Palomba suggested the words “Orders”, “Resolutions”, and “Proclamations” be defined because these words are used throughout the charter without any firm definition. Councilor Gannon suggested an alteration to the definition of “Local Newspaper”
“Local Newspaper – the words ‘local newspaper’ shall mean a newspaper or electronic or other media ...”

The purpose of the change is in recognition that general circulation papers used for classified ads are becoming a less viable option; therefore, he would like to extend the definition to include electronic media. A method for creating a permissible legal definition would be to state the definition may not contravene state statutes. Member Ciros agreed with the comments and believed the name of the definition should be altered to “Public Communication” to encompass this concept. Publication and newspaper inherently indicate printed matter, and print is becoming a dying industry. She would expand the definition to include using current best practices that are reviewed on a periodic basis. A concern was raised about other notices such as zoning and how this would affect procedures. It was agreed that the town attorney should be consulted on this matter.

A question was raised regarding the terms orders and resolutions. It was pointed out that these are legal terms of art that should probably be written by legal counsel in order to satisfy the courts.

4. Complete Discussion on Article 3 Topics (Suggested Discussion Time: 50 minutes)
5. Initial Discussion of Draft Preamble Prepared by Preamble Committee (Suggested Discussion Time: 20 minutes)
6. Begin Discussing Remaining Articles (1, 4, 5, 6, 7, 8, and 9) (Suggested Discussion Time: 60 minutes)
7. Discuss Final Report (Suggested Discussion Time: 20 minutes)
Please see Item 7 above for the minutes of this section.
8. Preamble Committee Update
Please see Item 8 above for the minutes of this section.
9. Next Meeting – July 6, 2021

10. Adjournment

Councilor Palomba moved to adjourn; Member Mello seconded the motion. The motion was adopted unanimously on a roll call vote. The meeting adjourned at 9:09 p.m.

Minutes were prepared by Marilyn W. Pronovost