



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

SPECIAL TOWN COUNCIL MEETING THURSDAY, SEPTEMBER 2, 2021, AT 6:00 P.M. RICHARD E. MASTRANGELO COUNCIL CHAMBER ADMINISTRATION BUILDING

MINUTES

In accordance with the provisions of Rule 2.6 of the Rules of the Town Council, and pursuant to the Call of the Council President, the members of the Town Council of the City known as the Town of Watertown were hereby notified of a Special Meeting of the Town Council to be held on Thursday, September 2, 2021 at 6:00 p.m.

The public was invited to attend the meeting in the Council Chamber or participate remotely using any of the public access methods listed below:

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 at: <https://watertown-ma.zoom.us/j/92991331344>
- C. Public may join the virtual meeting audio only by phone: 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free) and enter Webinar ID: 929 9133 1344 #
- D. Public may comment through email: vpiccirilli@watertown-ma.gov

1. ROLL CALL

Council President Sideris called to order a special meeting of the Town Council at 6:00 p.m. in the Richard E. Mastrangelo Chamber, Administration Building. Those present in Chamber were Councilors Anthony J. Donato, John G. Gannon, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., and Council President Mark S. Sideris. Those attending virtually were Councilors Caroline Bays, Lisa J. Feltner, and Angeline B. Kounelis. Also present were Michael Ward, Director of the Collins Center, Attorney Lauren Goldberg, Town Attorney, and Marilyn W. Pronovost, Town Council Clerk.

2. Charter - Discuss Any Feedback from the Attorney General's Office, and, if Necessary, Vote to Approve Such Changes as May be Recommended; Discuss Presentation to the Voters of the Proposed Amendments, and Vote to

Approve the Same, Whether Through the G.L. c.43B or Home Rule Process; Authorize the Town Manager to Ensure that All Such Questions Follow the Appropriate Procedural Path, and, Further, That Any Mailings Required in Connection with the G.L. c.43B Process be Sent to Voters No Later Than Two Weeks Prior to the November Election; and Take Any Other Votes Required for the Charter Amendments to be Presented to the Voters at the November 2, 2021 Town Election

Council President Sideris noted that the Town Council had received the Attorney General's response regarding the proposed Charter revisions on this day, September 2, 2021. He asked Attorney Goldberg to provide a walkthrough of the opinion.

Attorney Goldberg stated the Attorney General found there were two areas in conflict with state law; the first was in Section 2-9 (a) and (b) which relates to vacancies in the Town Council. The Charter Review Committee revised the time period between the date that the special election is called and the date of the election itself to 60 days; state law requires 64 days for that time period. The fix is to remove "60" from these subsections and insert in its place "64" to comply with state law.

The second item relates to Section 3-1 (a), the term of office for the Town Manager, where the words regarding the length of service "to serve for an indefinite term of office" were eliminated. The Attorney General found that under state law this is making a change in the term of the Town Manager, and such a change must be completed in a different manner such as a Special Act or a Home Rule Amendment.

Section 8-4 of the proposed Charter revisions would require the Town Council to approve rules and regulations prior to Departmental adoption. The Attorney General noted that where a political body, such as the School Committee, has been provided statutory authority to promulgate rules and regulations, the Charter may not be used to override that authority. Attorney Goldberg offered a revision to the wording (underlined words indicate changes)

"City agencies other than the school department and the Watertown Free Public Library and those statutorily authorized to adopt rules and regulations may adopt rules and regulations only upon authorization by the city council. Except as otherwise specified by state law, the city council shall authorize adoption of rules and regulations by ordinance or resolution."

The Council had the option of deleting the section or having an understanding that the Council will act within the confines of these limitations.

In the discussion that followed, these matters were discussed:

Term of the Town Manager

It seemed there is an inherent conflict with serving for an indefinite period and having a contract for a term of years. Attorney Goldberg stated that while this seems inconsistent, such wording is not uncommon and exists in many charters. Essentially it means the Town Manager holds office until the term of office is terminated while the contract relating to benefits, authority, and working conditions are contained within the contract. Based on this explanation and in light of the hiring of a new Town Manager, a request was made for a written legal opinion on the matter. Attorney Goldberg agreed to provide that.

When asked if the Town can create a contract with a term limit and at the same time retain the current charter language, Attorney Goldberg stated yes. The contract's term limit allows the Town Manager the right to serve out a term of office with the right to be reappointed. The Town Manager does not gain any rights after the contract terminates; new rights can only be acquired through another contract.

It was further explained that the charter is a statutory term of office while the contract is an employee contract that the Town and the employee enter into.

Councilor Piccirilli moved to accept the change in Section 3-1 (a) regarding the term of office of the Town Manager as proposed by the Attorney General; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

60 Days v. 64 Days - Vacancies

Councilor Palomba moved to accept the language change for Section 2-9 (a) and (b) regarding the time period in which to call an election by changing "60" to "64"; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

Council Approval of Rules and Regulation

Council President Sideris requested Attorney Goldberg to provide suggested language to clarify the Attorney General's concerns regarding Section 8-4. The proposed language was read:

"City officers and agencies other than the school department, ~~and~~ the Watertown Free Public Library and those statutorily authorized to adopt rules and regulations may adopt rules and regulations only upon authorization by the city council. Except as otherwise specified herein and by state law, the city council shall authorize adoption of rules and regulations by ordinance or resolution."

A concern was raised about changing the vote of the Charter Review Committee; however, it was stated the charter is the Town's legal document

of governance and clarity was important. It was further noted the language does not change the intent or substance of the section, but rather clarity.

Councilor Piccirilli moved to adopt the revised language to Section 8-4 as proposed by Attorney Goldberg; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote.

A question was raised about notification on the website. It was clarified that notices may be posted to the website as the role of local publications is changing. If the state statute though has different requirements than utilized for the posting of a meeting, such as perhaps a legal notice, then that statute would still apply.

Councilor Piccirilli moved to have the Town Council order that the proposal as revised tonight appear on the ballot of the upcoming November 2, 2021 biennial town election; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote. (Felt)

Council President Sideris stated the Town Council would consider the matter of the order of the questions to be placed on the ballot. Mr. Ward suggested there be three questions:

1. The question regarding the change of the name of Watertown from Town to City
2. The Preamble
3. All other proposed changes to the Charter

Council President Sideris stated it is important not to break down the issues into too many questions as people may walk away from the ballot. Attorney Goldberg suggested language for the motion: The proposed language would be submitted to the voters at the November 2, 2021 biennial town election in the form in which it was submitted to the Attorney General and as revised by proceedings of the Council tonight in three parts

1. The change from the Town of Watertown to the City of Watertown and all the revisions related thereto
2. To consider adoption of a Preamble establishing an ethic of civic and environmental stewardship and guiding principles
3. All other proposed Charter Revisions

The form of the questions as they will appear on the ballot is established by state law that requires the Town Attorney to prepare and have the Town Manager complete. The purpose of making the motion specific is to make clear the intent of the motion.

Councilor Piccirilli moved to submit the proposed language to the voters at the November 2, 2021, biennial town election with the changes voted tonight in three questions

1. The change from the name of the Town of Watertown to the City of Watertown
 2. To accept the preamble
 3. All other proposed Charter Revisions
- with the language to be clarified by Attorney Goldberg; Councilor Gannon seconded the motion.

A question was raised as to what would appear on the ballot. Attorney Goldberg explained the format is controlled by state law where the question will appear followed by a very general summary of the question. The summaries for the first two questions will be easy; however, due to the extensive changes made in question 3 not all changes will be listed in that summary. The changes summarized will probably discuss the changes in authority of the Town Council, the Town Manager, and the Council President. The Town is required to mail out the revisions with the actual text to the electorate for their personal review. Council President Sideris stated the education piece would be delegated to the Media and Public Outreach Committee to devise a media campaign to provide substantive information.

Attorney Goldberg further clarified that the Council may create a cover letter for the mailing, but under state statute, no reasons for why the changes were made may be included. The Town Council may make information available online, but the individual reader must select whether they wish to view the information provided; this can be as simple as the click of a link.

The material must be mailed/distributed at least two weeks prior to the vote, in a manner calculated to get the material to every voter; this may be drop off or mail. The Town Council may distribute the information earlier if desired. The timing for sending is a balance between providing sufficient time to read the material but not so early that the education/informational piece is not lost. The form of the question and the summary drafted by the Town Attorney must be submitted to the Town Clerk no later than 35 days prior to the election.

Councilor Gannon moved to distribute the material no later than three weeks prior to the election; Councilor Palomba seconded the motion. Council President Sideris mentioned he would like to confirm with the Town Clerk that the distribution can be done within the desired timeframe. The matter would be taken up in the September 28, 2021, Town Council meeting. In the interim, the material could be printed so the distribution date could be determined later in September.

Councilor Palomba asked why all the matters were not contained in one question. He felt the Preamble especially should be contained in the Other question because it was not a controversial statement and received the unanimous support of the Charter Review Committee. If that is not possible, he would like to see only two questions: the change in name of Watertown

and the Other. If he had to do three questions, he would like to see the order be the Other first as it is where all of the substantive changes are being made and do affect the operation of government.

He moved to have all questions bundled into one question with a yes or no vote and a description to be prepared by Attorney Goldberg; Councilor Feltner seconded the motion.

Councilor Donato stated the Town Council may be underestimating the emotional sentiment there is regarding changing the name of Watertown from Town to City. He endorsed the changes in the Charter and did not want to see all of the work of the Charter Review Committee come to naught because this question was not separated out.

Councilor Palomba and Councilor Feltner withdrew the respective motion and second. Councilor Palomba moved to have two questions on the ballot: the first being the change of name of Watertown and the second question containing everything else including the Preamble; Councilor Feltner seconded the motion.

In the discussion, it was mentioned the preamble was separated as its own question based on a suggestion from the Collins Center because it is a separate statement that would appear before the charter document. A point was made the Preamble vote was not unanimous; Councilor Kounelis voted against it in Committee.

Others stated the Preamble did not affect the operation of government so it should be combined with the charter document. There were other larger changes in the charter that people might be concerned with and be a reason for opposing the suggested changes. By separating the preamble out, it could give greater importance to the preamble than it should.

The motion was adopted on a vote of 7-1 on a roll call vote; all members voted in the affirmative with Councilor Kounelis voting in the negative.

There was a roll call on the main motion as amended. The motion was adopted on a vote of 7-1 on a roll call vote; all members voted in the affirmative with Councilor Kounelis voting in the negative.

Councilor Palomba announced that the Media and Public Outreach Committee would be holding a meeting on Wednesday, September 8, 2021 at 5:00 p.m. to begin creating a process to publicize the questions on the ballot and to urge citizens to vote on the questions on November 2, 2021.

3. ADJOURNMENT

Councilor Piccirilli moved to adjourn; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote. The meeting adjourned at 7:44 p.m.

ADDENDUM

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by a vote of 8 for, 0 against, 0 present on September 28, 2021.

Mark S. Sideris, Council President
s:/MWP

**SPECIAL TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 2, 2021, AT 6:00 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
WITH REMOTE ACCESS OPPORTUNITIES**

LIST OF DOCUMENTS

1. Letter Regarding 2021 Proposed Charter Revisions – General Comments – Attorney Lauren F. Goldberg, Esq., KP Law to Council President Mark Sideris – August 10, 2021 – Item 2
2. Remaining Actions for Placing Charter Amendments Before the Voters of the Town – Attorney Laure F. Goldberg, Esq, KP Law to Council President Mark S. Sideris – September 2, 2021 – Item 2
3. Watertown Town Council Meeting of August 10, 2021 – Case #10304 Agenda Item #8 (Charter Amendments) – Kelli E. Gunagan, Assistant Attorney General, to Watertown Town Council – September 2, 2021 – Item 2