

## MINUTES

### TOWN COUNCIL MEETING

TUESDAY, JUNE 13, 2006 AT 7:15 PM

RICHARD E. MASTRANGELO CHAMBER

ADMINISTRATION BUILDING

**1. ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen Corbett, Marilyn M. Petitto Devaney, John A. Donohue, Angeline B. Kounelis, Jonathan Hecht, John J. Lawn, Jr., Stephen E. Romanelli, Vice President Mark S. Sideris and Council President Clyde L. Younger.

### 2. PLEDGE OF ALLEGIANCE

A Moment of Silence was called for the passing of retired police officer, Clifford Blackwood.

### 3. EXAMINATION OF MINUTES: May 9<sup>th</sup> (previously Tabled), and May 23<sup>rd</sup> .

Councilor Sideris moved to adopt the Minutes of May 9<sup>th</sup> as amended, seconded by Councilor Romanelli and adopted by voice vote. The May 23<sup>rd</sup> minutes were Tabled.

Councilor Sideris moved to bring forward a late agenda item regarding a Petition to the General Court to enact special legislation, seconded by Councilor Romanelli and adopted by voice vote (see attached correspondence).

The Chair recognized Mr. William Oates, School Committee Member, who elaborated on his need to resign from the School Committee due to a conflict of interest, leaving open a seat on the committee. His resignation will be submitted on November 6<sup>th</sup> when he is due to take a position with the State.

Councilor Sideris moved to adopt the resolution seeking special legislation for an election, seconded by Councilor Devaney and adopted by unanimous vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward the President's Report out of order, seconded by Councilor Donohue and adopted by voice vote.

#### **4. PRESIDENT'S REPORT**

The Chair read a statement (attached) regarding adherence to the council rules, decorum during meetings and the Council working as a team instead as individuals. A copy of the council rules, the Watertown Hone Rule Charter and Robert's Rules of Order was handed to each councilor.

The Chair recognized Councilor Devaney who read a statement (attached) regarding a variety of violations, as she sees it, of the open meeting law.

The Chair brought forward consideration of a proposed resolution by Councilor Hecht (attached) regarding further review of Council rules and recognized Councilor Hecht to speak on the matter.

Councilor Hecht stated that the Council needs to review their current rules in order to strengthen areas regarding decorum, efficiency and the Council's effectiveness. He also spoke in favor of amending the rules to add goals and a clear direction for the Council as well as a work plan for the budget process, salary ordinances and the evaluation of the Manger.

Councilor Corbett concurred with the resolution and stated that he believes the Council has a lack in goals and is too reactive to issues.

Councilor Kounelis stated that there should be common courtesy among Councilors and an attempt by all Councilors to work as a team. She stated that a deadline of September 30<sup>th</sup> is too prohibitive for goals and noted that work at the subcommittee level would be more successful.

Councilor Lawn spoke in support of the resolution and proposed meetings on the matter, as time well spent.

After further discussion, Councilor Sideris moved the resolution, seconded by Councilor Donohue and adopted by voice vote.

**5. PUBLIC FORUM – none noted.**

**6. COMMITTEE REPORTS:**

A. Ad Hoc Charitable Committee report and action on Harvard/O'Neil Charitable Awards – Mark S. Sideris, Chair. The Chair recognized Councilor Sideris who provided a verbal update on the Charitable Awards. He noted that the committee met last night and voted on the distribution of charitable monies (spread sheet attached). Councilor Sideris also stated that a written committee report will follow. Councilor Sideris moved to adopt the recommendations, seconded by Councilor Devaney and adopted by voice vote. Councilor Sideris further stated that the recipients of the awards will be invited to the July 11<sup>th</sup> Town Council meeting to receive their checks.

B. Ad Hoc Recycling Committee Update – Mark S. Sideris, Chair. The Chair recognized Councilor Sideris who informed the Council that his committee is having ongoing discussions on the recycling center and that the Council will be kept updated as they proceed.

Councilor Corbett moved to temporarily relocate the recycling center to the Public Works Facility until a permanent location is chosen. He stated that the temporary relocation will help end a present controversy and will provide a test site for the center as well as help relieve the pressure of finding a site

Councilor Romanelli seconded the motion for discussion purposes only. Councilor Romanelli stated that the neighborhood would be against the recycling center at that location and that as part of the neighborhood meetings with the Public Works Building Facility, promises were made that a recycling center would not be located on Orchard Street.

Councilor Donohue stated that at the Recycling Ad Hoc Committee meeting, there was a 3-1 vote to take the Public Works Facility off the Table for a variety of reasons including a lack of space for recycling and its effect on the turning radius for trucks.

Councilor Sideris stated that the Public Works Superintendent spoke against the relocation and noted that the Public Works Department is made up of 9 divisions for which the site is already limited for space. Mr. Mee also noted that there would be an added security concern with the public accessing the site for recycling along side Public Works equipment and trucks which are moving in and out of the area throughout the week day and weekends.

Councilor Kounelis commended former Conservation Commission Chair, Diana Proctor for her vision of open space and the 1999 rehab of the park. She noted that the Town knew of the restraints and now must work together on a solution. She further spoke against the relocation of the recycling center to the Public Works Facility on Orchard Street.

Councilor Corbett moved to withdraw his motion.

Councilor Lawn acknowledged the efforts of Councilor Corbett in trying to bring a temporary solution forward and concurred with the withdrawal.

Councilor Devaney also agreed with the withdrawal and noted that she has been working with State officials with logistics in trying to keep the recycling center at Filipello Park.

Councilor Sideris moved to accept the verbal report, seconded by Councilor Corbett and adopted by voice vote.

C. Committee on Public Works report on Inventory of Town Vehicles – Marilyn M. Petitto Devaney. Councilor Devaney read her report (attached). She noted that a final meeting of the matter will take place in the near future

## **7. PRESENTATIONS AND REPORTS BY TOWN OFFICIALS AND EMPLOYEES:**

A. Informational Presentation on the Original Brigham House Lease Agreement prior to renegotiated lease and receipts that have been generated through lease and real estate tax payments. The Chair recognized the Town Manager who reviewed his report (attached).

Councilor Kounelis asked the Manager if any lease payments were made to the Town in Fiscal Year 06 by Brigham House. The Manager stated that no lease payments were made in 2006, only real estate tax payments.

B. Brief Informational Presentation on the impending Victory Field Track Resurfacing Project. The Chair recognized the Town Manager who provided a brief review on the resurfacing of the track. Notices will be posted to alert residents. The work will take approximately 7-10 days to complete. Alternate walking and jogging site will be Filipello Park.

## **8. MOTIONS, ORDERS AND RESOLUTIONS:**

A. Acceptance of Proclamations: In Recognition of Berge Avadanian. The Council President read the proclamation which was moved by Councilor Sideris, seconded by Councilor Donohue and adopted by voice vote.

B. Resolution authorizing the establishment of a Revolving Fund for the Commander's Mansion Activity during Fiscal Year 2007. Councilor Sideris moved the resolution, seconded by Councilor Romanelli and adopted by unanimous roll call vote.

C. An Order regarding the control of the East Branch Library and the North Branch Library. Councilor Sideris moved the Order, seconded by Councilor Romanelli and adopted by a roll call of 8 for and 1 against with Councilor Devaney voting no. Councilor Hecht asked that the title be research for restrictions on uses, if any.

Kathy Button, Library Trustee stated that the title is restricted to educational uses only.

The Manager stated that he would follow up on the matter.

D. Motion to refer uses of the East Branch and the North Branch Libraries to the subcommittee of Economic Development and Planning. After a brief discussion, Councilor Devaney moved to refer the matter to a joint committee of Economic Development and Planning and Human Services, seconded by Councilor Sideris and adopted by voice vote.

E. Resolution accepting the provisions of Massachusetts General Laws Chapter 59, Section 5 (54) regarding small personal property exemptions. The Chair read a statement invoking the Rule of Necessity as a majority of Councilors owned their own businesses and otherwise would not be able to vote on the matter. The Chair recognized Dan Loughlin, Town Assessor who provided a review of the local option exempting small personal property tax. He noted that most corporation are exempt and that small businesses wind up paying more while large businesses pay nothing.

Councilor Kounelis stated that she is a small business owner and will defer to the advice of the Town Attorney.

Attorney Reich concurred with the Chair and stated that the Conflict of Interest Law, 268A Section 19 allows the Council to invoke the Rule of Necessity which allows the Council to vote of a matter even when a majority may have a conflict. In setting general public policy and when it is shown that others in the public are impacted as well, it is then not considered a conflict of interest which allows the Council to vote.

Mr. Loughlin noted that the CIP in the amount of \$33,000 will be re-distributed within the class and be less than 1/4 of 1% in taxes amounting to a \$20.00 increase.

Councilor Sideris moved the resolution, seconded by Councilor Devaney and adopted by voice vote. Councilor Kounelis recused herself from the vote.

F. Resolution approving the acceptance of a gift of tangible personal property, namely a park bench for Victory Field. The Chair recognized the Town Manager who provided a brief overview of the resolution. Councilor Sideris moved the resolution, seconded by Councilor Romanelli and adopted by voice vote.

G. Request for approval of Town Attorney. The Chair recognized the Town Manager who provided a brief overview. Councilor Romanelli moved the approval of the Town Attorney, seconded by Councilor Donohue and adopted by voice vote with Councilor Devaney voting no.

H. Resolution appointing John J. Leary to Housing Authority to a five year term ending on May 15, 2011. After a brief discussion on the appointment process as a "confirmation only" of the Housing Authority appointment, the matter was Tabled by Councilor Lawn, seconded by Councilor Donohue, in order to have Mr. Leary appear before Human Services for an interview. Adopted by voice vote and it was stated that this was not a reflection on the candidate but on the particular processes for this appointment as the appointment is not brought forward by the Manager in the usual manner, but by the Board itself for confirmation vote only.

I. First Reading on an order establishing water and sewer rates and charges for Fiscal Year 2007. The Town Manager provided a brief over view of the Order which will be advertised for a public hearing and vote on July 11th. Mr. Woodcock is scheduled to provide an information presentation on June 27<sup>th</sup>.

J. First Reading on a proposed loan order authorizing the Town Treasurer with the Approval of the Town Manager to borrow and/or expend monies in the amount of \$1,385,000 under Chapter 44 of the General Laws or any other enabling authority, for the purpose of purchasing departmental equipment for the Fire Department, Police Department, Skating Arena and Department of Public Works. The Town Manager provided a brief overview of the loan order which will be advertised for a public hearing and vote on June 28<sup>th</sup>.

Councilor Sideris moved to Suspend the Rules in order to bring forward a late agenda item, seconded by Councilor Donohue and adopted by voice vote. The Chair brought forward a letter to Mr. Salvatore DiMasi, House Speaker in favor of Senate Bill #2273 An Act

Regarding Choice for Long Term Care Setting. Councilor Hecht moved to have the Chair sign the letter on behalf of the Council, seconded by Councilor Romanelli and adopted by voice vote.

## **9. COMMUNICATIONS FROM THE TOWN MANAGER**

1. Yard Waste Pickup Date: June 23<sup>rd</sup> ; Household Hazardous Waste Date: June 17<sup>th</sup>.

## **10. REQUEST FOR INFORMATION**

Councilor Romanelli requested that the Town Manager fill the vacant positions on the zoning board of appeals and planning board. He asked that names be brought forward at the next meeting.

Councilor Devaney concurred with the request of Councilor Romanelli.

Councilor Corbett asked the Manager to inquire from the Board of Health if all workers in restaurants are immunized against communicable diseases.

Councilor Hecht made mention of a letter regarding the sale of 31 acres of the Gore Estate land, south of Waltham Street. He spoke in concern with potential development at that end of town. The Chair spoke in support of exploring if site can remain Open Space.

Councilor Donohue read the letter (attached) and spoke in concern with respect to its wording.

The Chair asked the Town Manager to report on his response time, data and timeliness of responding to public inquiries at public forums.

**11. ANNOUNCEMENTS none noted.**

**12. PUBLIC FORUM**

Pat Gold, Duff Street – thanked the Chair for the letter to Mr. DiMasi.

Councilor Corbett moved to Suspend the Rules in order to take up a late agenda item in executive session, seconded by Councilor Sideris and adopted by voice vote.

Councilor Sideris moved to go into executive session for the purpose of discussing strategy with respect to litigation, seconded by Councilor Corbett and adopted by unanimous roll call vote. It was announced by the Chair that the Council will not reconvene following the adjournment of the executive session.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted as amended on June 27, 2006 by voice vote.

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Clyde L. Younger