



Watertown Town Council
Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris
Council President

Stephen P. Corbett
Vice President

John A. Donohue
Councilor At Large

Susan G. Falkoff
Councilor At Large

Anthony Palomba
Councilor At Large

Angeline B. Kounelis
District A Councilor

Cecilia Lenk
District B Councilor

Vincent J. Piccirilli, Jr.
District C Councilor

John J. Lawn, Jr.
District D Councilor

Town Council Meeting
Tuesday, August 10, 2010 at 7:15 pm
Richard E. Mastrangelo Chamber
Administration Building

ADOPTED MINUTES

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Council Chamber. Present for the meeting were Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen P. Corbett and Council President Mark S. Sideris. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.
2. **PLEDGE OF ALLEGIANCE**
3. **ACCEPTANCE OF MINUTES:** [July 13th](#). Councilor Piccirilli moved to accept the minutes, seconded by Councilor Corbett and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen P. Corbett and Council President Mark S. Sideris voting in the affirmative.
4. **PUBLIC FORUM**

The Chair recognized Rita Baskin, 15 Franklin Street – who spoke of neighborhood [concerns](#) for the 53 Rear Franklin/30 Rear Washburn asking town officials to be careful of what type of development is approved for the site.

Pat Gold, Council on Aging chair – thanked the Manager and the Council for the proposed purchase of an automatic external defibrillator for the senior center.
5. **PUBLIC HEARINGS AND VOTES:**
 - a) On a [petition](#) by NStar to install eleven (11) new manholes and 5,030 feet of conduit on Arsenal Street southerly from Birch Street thence

turning and running westerly – Sheila Gillis, NStar. The chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Piccirilli thanked NStar for the milling and overlay work as part of the project's mitigation plan.

It was stated by Mike Sweeney, NStar representative that the work will take approximately 12 weeks. Mr. Mee indicated that due to other competing projects in town, this work could take longer than 12 weeks. It was noted that the work will be on the Arsenal Mall side of Arsenal Street.

b) On a [petition](#) by National Grid to install and maintain approximately 24 feet, more or less of 4 inch gas main in Cleveland Road from the existing 4 inch main in Cleveland Road at house #27 northerly to house #24 for a new gas service – Dennis Regan, National Grid. The Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Mr. Regan explained the work involved in the petition. Councilor Piccirilli noted a number of problems with respect to National Grid's work; work either not restored in a timely manner and/or poor resurfacing of roads and former concrete sidewalks patched with asphalt not restored by permanent patching. Councilor Piccirilli stated that National Grid must comply with the town rules and regulations. He further requested a list of streets where permanent patches have not been installed to replace temporary asphalt patches. Mr. Mee stated that there is a need for National Grid to step up to the plate as NStar has. Improvements are needed by them with respect to the trenches he added. The Chair stated that National Grid is on record that they will work with Mr. Mee regarding this matter.

Councilor Piccirilli moved to approve the petition subject to **National Grid complying with Department of Public Works rules and regulations**. The language shall be inserted into the work order so that it shall read as follows: The said National Grid shall comply with all applicable provisions of law and ordinances and rules and regulations of the Department of Public Works. The motion was seconded by Councilor Falkoff and adopted by a 9-0 unanimous roll call vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

c) On a [petition](#) by National Grid to install and maintain approximately 350 feet more or less of 16 inch, 8 inch and 6 inch gas main in Hunt Street, from existing 24 inch and 12 inch gas mains in Galen Street, easterly to the proposed regulator station and from the proposed regulator station to the existing 3 inch gas main in Hunt Street. This regulator station will

replace the existing regulator station at Galen Street and Capital Street which will be abandoned once the new station is installed – Dennis Regan, National Grid. Mr. Regan explained the work involved in the petition. Councilor Lenk asked how National Grid will mitigate the road. Mr. Gibson stated that a mill and overlay will be done and not separate trenches; and field verified where restoration will take place. Councilor Lenk stressed that we want to make sure that the work is something that residents can live with. Councilor Piccirilli moved to approve the petition subject to **National Grid complying with Department of Public Works rules and regulations**. The language shall be inserted into the work order so that it shall read as follows: The said National Grid shall comply with all applicable provisions of law and ordinances and rules and regulations of the Department of Public Works. The motion was seconded by Councilor Falkoff and adopted by a 9-0 unanimous roll call vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

6. REPORTS OF COMMITTEES:

a) Charitable Ad Hoc Committee [report](#) and action on the disbursements of 2010 charitable monies – Mark S. Sideris, Chair. The Chair read the Committee report. Councilor Donohue moved to accept the report, seconded by Councilor Lenk. Councilor Kounelis noted a typo on the tally sheet. The Chair indicated that the typo will be corrected. The report was adopted by voice vote. Councilor Donohue moved to accept the recommendations for distribution of the charitable monies, seconded by Councilor Lawn and adopted by voice vote. The Chair noted that there were not as many applications this year as in the past; compromises were made along the way and the Committee feels the proposed awards are justified. A distribution date will take place in the near future. The committee report was adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

b) Committee on Public Works and Rules and Ordinances [report](#) on a review of the rules and ordinances concerning snow removal and associated fines – Chairs Susan G. Falkoff and Anthony Palomba. The report was read by Councilors Falkoff and Piccirilli. Councilor Lawn moved to accept the report, seconded by Councilor Lenk and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr.,

John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

Councilor Falkoff asked if these issues have been referred to the Town Attorney. Attorney Reich replied, not at this time but that he will begin to review the matter after formal acceptance of the Committee report. Councilor Palomba indicated that he had asked Attorney Reich a number of [questions](#) prior to the meeting. Attorney Reich discussed the recent case Supreme Judicial Court case of Papadopoulos v. Target Corp., which reviewed the so-called “Massachusetts Rule” regarding natural accumulation versus unnatural accumulation. He indicated that the Court found that rule unworkable and instead applied a reasonableness standard to determine liability. While this case establishes the rule for liability with respect to falls on snow and ice, it is a premises liability case dealing with private property. The case doesn’t change the statutory standard for liability for the Town with respect to public property as found in G.L. c. 84, sec. 17.

c) Committee on Rules and Ordinances [report](#) on Council Rules – Anthony Palomba, Chair. Councilor Palomba read the Committee report. Councilor Lawn moved to accept the report, seconded by Councilor Donohue and adopted by voice vote. The report will reflect that the meeting adjourned at 10:15 AM. Councilor Piccirilli submitted a series of amendments. The Committee will meet to review them and report back to the Council. Councilor Kounelis noted that she will refer her comments pertaining to the Rules. The Chair asked for a motion to re-refer the issue of Council Rules. Councilor Lawn moved the matter, seconded by Councilor Palomba and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

d) Committee on Economic Development and Planning [report](#) on Green Communities - Stephen P. Corbett, Chair. Vice President Corbett provided an update. The Committee discussed where the town stood with respect to qualifying as a Green Community. [Guidelines and criteria](#) were reviewed. Vice President Corbett indicated that by September more information will be available. Councilor Donohue moved to accept the

verbal report, seconded by Councilor Lawn and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

e) Former Branch Library Reuse Committee [report](#) on Requests for Proposals – Vincent J. Piccirilli, Jr., and Angeline B. Kounelis – co-chairs.

Councilor Piccirilli read the report. The Committee voted to republish the Request For Proposals, look into holding a pre-bid conference and review the terms of the lease to make it more attractive to bidders, as well as to extend the term of the lease. Mr. Magoon, together with Attorney Reich will review this matter. Councilor Kounelis moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

7. MOTIONS, ORDERS AND RESOLUTIONS:

a) Resolution approving the [Acceptance and Expenditure](#) of a gift of funds in the amount of \$8,500 to offset expenses related to the “Faire on the Square 2010.” The Town Manager provided an overview. Councilor Falkoff moved the resolution, seconded by Councilor Palomba and adopted by voice vote. The Manager provided an overview. Councilor Falkoff moved the resolution, seconded by Councilor Lenk and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

b) Resolution Approving the [Acceptance and Expenditure](#) of a Gift of Funds in the amount of \$4,400 from Tufts Health Plan for the purchase of three automatic external defibrillators with accessories and wall cabinets to be placed in the Administration Building, Free Public Library and the Senior Center. The Town Manager provided an overview. Councilor Lawn moved the resolution, seconded by Councilor Falkoff and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

8. NEW BUSINESS: The Manager recognized Public Works Superintendent Gerald S. Mee, Jr., who presented a sample of the new recycling bins. It was noted that 4 were placed at Fillipello Park and 4 at Arsenal Park. They will eventually be placed at all parks and in the business districts. The bins are not for trash but for the recycling of cans and bottles. Mr. Mee stated that new “no smoking” sign. Councilor Kounelis thanked Mr. Hayward, Mr. Magoon and Mr. Mee for paying for, securing and installing plaques which were stolen from Fillipello Park.

9. PRESIDENT’S REPORT:

a) Reappointment of Maria Rose to the Stormwater Advisory Committee. The Council President announced that he has re-appointed Ms. Maria Rose to the Stormwater Advisory Committee for a two year term.

b) The Council President reviewed an [email](#) by the Tree Warden with respect to tree pruning guidelines for NStar. Councilor Lenk moved to refer the matter to the Public Works Committee, seconded by Councilor Kounelis and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

c) The Council President summarized a Trees for Watertown [correspondence](#) regarding NStar pruning. There was discussion on the danger to trees when pruning takes place in hot, dry summer weather. Attorney Reich noted that this matter is under the domain of the Tree Warden and that the Council may refer the matter to him. Councilor Falkoff moved for a sense of the meeting vote that demands that NStar cease and desist pruning until an autumn date to be determined by the Tree Warden, seconded by Councilor Kounelis and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

Several councilors noted that it was distressing to see the aggressive pruning done by NStar this summer. Councilor Lenk and Kounelis stated that urban trees are under stress already and that all pruning should be postponed until the cooler fall weather.

10. COMMUNICATIONS FROM THE TOWN MANAGER:

- a) [Request for Confirmation](#) - Reappointment to the Stormwater Advisory Committee. Referred to Public Works Committee.
- b) [Report on one year contract](#) covering July 1, 2009 – June 30, 2010 with the Department of Public Works, Local Union No. 25. The Manager announced the agreement by Department Public Works union to a one year contract.

[Proposed revision of a Principal Account Clerk position](#) to be shared by the offices of the Treasurer/Collector and Board of Assessors; and request for referral to Committee on Personnel and Town Organization. The Chair suggested that the matter be discussed in committee in order to more thoroughly review the position and scope of duties and report back to the Town Council with a recommendation. The matter was referred to the Personnel Committee by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

11. REQUEST FOR INFORMATION

The Chair asked for a follow up on utility poles on Pleasant Street. It was noted by the Chair that during this second construction season no work has been done west of Bridge Street due to poles.

The Chair asked for a progress report on updating the girls field hockey signs at Victory Field and the west end of town.

The Chair asked for a report on Geese at Victory Field and plans for dogs to mitigate the problem.

12. ANNOUNCEMENTS

Councilor Palomba thanked Councilor Lawn and Chief Deveau and staff for the walk thru of the current station and the new station.

Councilor Corbett announced that the Planning Department has undertaken a zoning study. A large public meeting is scheduled for September 30th for the purpose of receiving public input. Details will be forthcoming.

Councilor Lawn announced that the police station will hold a grand opening on Labor Day at 5 pm for the public.

The Chair announced that Patriot Day will take place on Saturday, September 11th at 1pm at Saltonstall Park.

- 13. PUBLIC FORUM: Burt Greenberg, Duff Street – stated that The Village had similar concerns years ago with 230 trees on or around their village.

14. [EXECUTIVE SESSION](#)
 - a) To investigate charges of criminal misconduct or to consider the filing of criminal complaints. Councilor Corbett moved to go into executive session to discuss strategy with respect to the investigation of charges of criminal misconduct or to consider the filing of criminal complaints noting that a discussion in public will have a detrimental effect. The Council will not return to open session following the adjournment of the executive session. The motion was seconded by Councilor Lawn and adopted by unanimous roll call vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., John J. Lawn, Jr., Vice President Stephen Corbett and Council President Mark S. Sideris voting in the affirmative.

15. ADJOURNMENT: The meeting adjourned at 9:00 pm.

[Addendum](#)