



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, November 9, 2010 at 6:30 pm*
Richard E. Mastrangelo Chamber
Administration Building

MINUTES

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 6:30 pm in the Richard E. Mastrangelo Council Chamber, Administration Building. Present for the meeting were Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Vice President Stephen P. Corbett and Council President Mark S. Sideris. Councilor Lawn arrived at 7:15 pm.
2. **EXECUTIVE SESSION** – 6:30 PM*: To discuss strategy with respect to collective bargaining. Vice President Corbett moved to go into executive session in order to discuss strategy with respect to collective bargaining noting that having the discussion in open session would be detrimental to the Town, seconded by Councilor Piccirilli 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., Vice President Stephen P. Corbett and Council President Mark S. Sideris. Councilor Lawn was absent.
3. **RETURN TO OPEN SESSION:** All Councilors are present.
4. **PLEDGE OF ALLEGIANCE**
5. **ACCEPTANCE OF MINUTES:** October 26, 2010 Councilor Donohue moved to accept the minutes, 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 P. Corbett and Council President Mark S. Sideris voting in favor.
6. **PUBLIC FORUM**

Thomas Thibeaut, Watertown Firefighter – updated the Council on a number of events relative to the Fire Department including their successful Breast Cancer Awareness fund raising effort in October; their well attended Open House held on October 3rd; Adopt a Hydrant Program asking volunteer students to keep snow away from the hydrants during the winter season; and the extension of an invitation to councilors to attend the Fire Department Academy “burn day” event.

Russ Arrico, Fayette Street – stated that the proposed Tree Regulations are over the top and should be worked out with the utility companies and not involve residents.

- a) Councilor Piccirilli requested a motion to bring forward agenda item **8A INFORMATIONAL PRESENTATION:** Informational Presentation and discussion on Double Poles.

Councilor Piccirilli moved the matter, 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 P. Corbett and Council President Mark S. Sideris voting in favor.

The Manager provided background on the disposition double pole noting that out of 224 double poles; 172 remain well after the 90 day period. The Manager reviewed a [letter](#) written to utility companies requesting their presence at tonight’s meeting to explain why they have not complied with Mass General Laws.

The Chair opened up the presentation to utility company representatives for their comments on the issue of double poles. Hearing no comments, the Chair opened up the presentation to the legislative branch.

Councilor Lenk stated that she is shocked to see no one coming forward to discuss this issue with the Town and to make reasonable accommodations to comply with Mass General Laws with respect to the removal of double poles within 90 days. She indicated that it behooves the Town Council to continue to try to get the attention of the utility companies in resolving this matter.

Councilor Piccirilli stated that he is disappointed by both Verizon and NStar who previously made a commitment to remove the double poles, especially the poles on Pleasant Street so that the final paving of Pleasant Street could be completed this season. Councilor Piccirilli noted that the construction of Pleasant Street has been postponed until next year due to the remaining double poles on the street.

Councilor Piccirilli asked the representatives present to address the issue of the remaining 172 double poles as well as the “chunks” not listed in the PLM (Pole Life Management) system. He indicated that all four utility companies had two years to remove the double poles on Pleasant Street and asked that the utility companies answer how the town will recover the cost of delaying the project another year and why RCN is not on the PLM list for notification.

Councilor Kounelis echoed the comments of Councilors Lenk and Piccirilli adding that this is a serious issue in excess of twelve years.

Stan Usovicz, Regional Director of Verizon’s External Affairs – stated that the issue is a shared responsibility between all the utility companies. He noted that his company is working with the DOT (Department of Transportation) and waiting for the others to act. He stated that 59 of the poles have fire alarms.

Marc Lucas, NStar Community Relations – stated that his company met with the town in July and August on this issue and noted that only three of the poles on Pleasant Street remain and they are outside of the construction area.

Councilor Lawn asked where the utility companies are on the issue of a double pole blocking a pylon to the new Police Station on Main Street.

Mr. Lucas stated that NStar has made the transfer and stated that there is a fire alarm on the pole.

Mr. Steven Magoon, Community Development and Planning Director indicated that the utility companies have been using the fire alarm system to notify each other and that the town needs to be given access to the system. The system still shows that a fire alarm is on that pole that needs to be removed; however there is no fire alarm on that pole, which is a real frustration. Mr. Magoon stated that the town currently has access to the street light portion; but not fire alarm.

Councilor Falkoff suggested that the Town Council may need to meet in executive session in order to discuss strategy with respect to the town’s legal options at this point.

Mr. Driscoll clarified that RCN cannot move the wires on the poles and asked for the record; is that the case.

Mr. Andrew Balter, NStar Communications, stated that his company provides the RCN transfers for which there are 3 poles remaining as of this morning. As soon as we get a notification, they dispatch the crews he noted.

Councilor Lenk stated that utility companies are playing the system- blame game here. She noted that the town pays money to utility companies and asked; what are we getting for our money. She stated that the utility companies need to get together and move toward a better process noting that this is a state-wide problem as well.

Vice President Corbett stated that if no one is in charge of the system, then they will all point fingers at each other. He stated that whichever utility company owns the poles; it is that company that is ultimately responsible.

Councilor Palomba thanked the utility companies for attending tonight's meeting. He indicated that he disagrees with his colleagues on this issue and that the discussion needs more balance. He noted the progress for which poles that have been removed to the credit of the utility companies. Councilor Palomba noted that at the same time, the Town Council made Pleasant Street a priority with the utility companies and he is disappointed, that on that issue, the companies did not follow through.

The Chair stated that the Pleasant Street project being delayed another year along with handicap ramps being blocked by double poles is unacceptable. The Chair showed a picture of one of the poles surrounded by weeds. He indicated that the next step for the Town Council is to get our state representatives involved as there are no punitive damages or recourse within the Mass General Laws for noncompliance of the 90 day removal regulation. He further indicated that when petitions are forwarded to the Town Council, the Council will begin to deny them if nothing is done.

The Town Manager stated that when you peruse all the communications regarding this issue two points stand out; the PLM system is not working and that all the poles are owned by Verizon. The Town Manager stated that all the poles are installed by Verizon and therefore they are responsible for their removal.

Michael Cook, Comcast – stated that out of 32 poles; that only 10 are left which are the most difficult to address. He further noted that some of the work is underground conduit that is time consuming. Within the pecking order is Raytheon that is holding up some of the poles. The police station pole is next on the list to be removed he indicated.

Councilor Piccirilli read an excerpt from Mass General Laws which states that the owner of the pole is responsible for coordinating with all the other utility companies on that pole. He noted that Verizon owns 95% of the poles. He further noted that Verizon also is the one that contracts out the PLM system. He asked Mr. Usovicz when his company is going to start accepting responsibility for this serious problem.

Mr. Usovicz stated that the other utility companies are receiving the updates through the PLM system and the parties have not complied.

Councilor Piccirilli asked Mr. Usovicz that as owners of the poles is Verizon willing to access that responsible.

Mr. Usovicz stated that he is not aware of the law of ownership and that it is his view that it is a shared responsibility between all utilities.

Councilor Piccirilli asked Mr. Usovicz if all “chunks” (a section of a utility pole that is sawed off top and bottom and suspended in the air) are listed on the PLM system. Mr. Usovicz stated yes.

Councilor Piccirilli stated that Mr. Usovicz is not correct and noted pole# 251/3 is not listed in the system. He requested that this particular pole and any others not listed be looked into and reported back to the Manager. He indicated that some of these poles go back nine years and asked what an acceptable period of time is.

Mr. Mee indicated that originally it was stated that 69 fire alarms were holding up the process which is not true. He noted that the Pleasant Street project was one year ahead of schedule and now behind one year. Mr. Mee stated that this project has been in the planning for twelve years with the utility companies having years to plan for the pole removals.

Councilor Lenk asked for a written document on the process of the PLM system; she asked for a response back on what private networks are in town and requested that the town have complete access of the PLM system as well as any private network.

Councilor Donohue moved to bring forward **7B and C Petitions**, seconded by Councilor Lawn 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 favor.

b) Public hearing and vote on a [petition](#) by NStar requesting permission to install 44 feet, more or less, of conduit @ pole #77/1 in Hunt Street to provide new underground electric service to control box - Arletha Wade, NStar Representative. The Chair recognized Ms. Wade who read the petition. The Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Lenk asked Ms. Wade if this petition is related to the construction taking place on Hunt Street with a National Grid control box. Ms. Wade indicated that it was.

Councilor Piccirilli stated that the Town Council can deny this petition; but that the project is already underway and that a delay will have a negative impact on the neighborhood.

Councilor Kounelis asked if this is a public safety issue.

Mr. Mee indicated that it was not a safety issue but that he would like the petition to be approved and the work to be completed.

Councilor Piccirilli moved the petition, 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 P. Corbett and Council President Mark S. Sideris voting in favor.

c) Public hearing and vote on a [petition](#) by Verizon to place eleven feet, more or less, of 4 inch conduit, three feet in the street and eight feet across the sidewalk to provide service to a new building at 22-26 Arsenal Street – John Callahan, Verizon Representative. The Chair recognized Mr. Callahan who read the petition. The Chair opened up the hearing to the public. There being no comments, the hearing was closed. The Chair opened up the hearing to the legislative members.

Mr. Mee stated that this work is in regards to phone service to the new building and noted that he would like the work to be completed so that the area can be repaved in the spring.

Councilor Corbett stated that it would not be wise to delay the petition and punish the developer of this project

The Chair indicated that the Council may have to take action against the petition in order to send a message.

Mr. Mee indicated that phone service is low on the cradle; if the petition was to be denied.

Councilor Lawn stated that a phone line could potentially affect elevator service and fire alarms and asked the Council to find other ways to send a message to the utility companies.

Councilor Piccirilli moved to allow work to go forward and asked that Verizon provide more information/communication about the double poles within a 30 day period. The Chair asked Attorney Riley if this is acceptable. Attorney Riley indicated that it is acceptable. Councilor Falkoff and Lenk asked that her question about the PLM system also be part of the conditions.

Councilor Palomba asked that due to problems with poles on Pleasant Street the Council may hold up an NStar petition regarding telephone service on Arsenal Street and ask about the November 15th construction deadline.

Mr. Mee stated that each project is evaluation and that construction does continue after the November 15th deadline but with much greater review. Mr. Magoon stated that an occupancy permit would not be held up due to telephone service but can be held up due to elevator service.

Councilor Donohue stated that the fire alarm system may be tied into the telephone system and that delaying this project could send a negative message to the developer who has brought forward a positive development.

Councilor Piccirilli read for the record and moved the four conditions as follows:

- 1. A letter from Verizon acknowledging that it is their responsibility, as the pole owner, to notify all other users to remove their wiring from the poles in a timely manner, as stated in M.G.L. Chapter 164 Section 34B.**
- 2. Provide access to the Town of Watertown for the fire alarm portion of the PLM system.**
- 3. Add all "chunks" to the PLM system, and advises Watertown of how many these are.**
- 4. Provide a document to Watertown how the PLM system works.**

The motion was seconded by Councilor Falkoff and adopted by a roll call vote of 5 in favor and 4 against with Councilors Falkoff, Kounelis, Lenk, Lawn, and Piccirilli voting in the affirmative and Councilors Corbett, Donohue, Palomba and Sideris voting against.

7. PUBLIC HEARINGS AND VOTES:

- a) Public hearing and vote on a proposed adoption of the [Stretch Energy Code](#) pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR. Mr. Magoon provided an overview of the proposed Ordinance and noted that to the code can only be adopted in 6 month increments and with 6 month concurrent periods. Mr. Magoon noted that this is also an opportunity to recognize the long term benefits for developments and property owners to create buildings more energy efficient and access grant funds to reduce taxpayer burden. The Chair opened up the hearing to the public.

Russ Aricco, Fayette Street – spoke against more government regulations and that the government should not dictate what people should do.

There being no further comments, the hearing was closed.

Vice President Corbett stated that he had misgivings early on primarily because of the state of the economy; but that the committee did their due diligence in researching this matter and hearing from the public and that he is convince that this is the right thing to do and that the requirements are not that different from what good developers are already doing right now.

Councilor Donohue concurred with the Vice President’s comments and thanked Mr. Magoon, his staff and Building Inspector, Ken Thompson.

Councilor Falkoff stated that it is a wonderful thing when you can do the right thing and get funds for it. She noted her appreciation to the Energy Committee and also to subcommittee members John Donohue and Steve Corbett for their diligence.

Councilor Kounelis stated that after review of all the documentation she is in support of this measure. She thanked the Energy Efficiency Committee and in particular Ken Mirvis for his research.

Councilor Piccirilli noted that Massachusetts laws will require municipalities to adopt this by law in 2012.

Councilor Lenk stated that most of these standards are already being followed by the construction industry because it is what people are demanding. She thanked Councilor Donohue and Vice President Corbett for their work on this matter.

Councilor Donohue moved the Stretch Energy Code as proposed, seconded by Vice President Corbett 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 P. Corbett and Council President Mark S. Sideris voting in favor.

9. COMMITTEE REPORT:

a) Library Reuse Committee [report](#) on submitted proposals – Vincent J. Piccirilli, Jr., and Angeline B. Kounelis – Chairs. Councilor Piccirilli read the report. Councilor Kounelis moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote. It was noted that the previously scheduled meeting for November 15th will be cancelled.

10. MOTIONS, ORDERS AND RESOLUTIONS:

a) Acceptance of a Proclamation presented to [Dorothy Glavo](#) upon her retirement from the Treasurer's Office. Councilor Lenk stated that Ms. Glavo will be sorely missed in the Treasurer/Collectors Office and moved acceptance of the proclamation, seconded by Piccirilli 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 P. Corbett and Council President Mark S. Sideris voting in favor.

b) Resolution authorizing a [transfer](#) in order to fund an Agreement with the Watertown Police Association covering the periods July 1, 2009 through June 30, 2010; and July 1, 2010 through June 30, 2013. The Town Manager reviewed the Memorandum of Agreement.

Councilors John Donohue and John Lawn stated that they are recuse themselves from discussion and vote and left the Chamber.

Councilor Falkoff read and moved the transfer of \$153,974, seconded by Councilor Kounelis and adopted by unanimous roll call vote with Councilors Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Vice President Stephen P. Corbett and Council President Mark S. Sideris voting in favor.

Councilor Falkoff read and moved the transfer of \$176,991, seconded by Councilor Kounelis and adopted by unanimous roll call vote with Councilors Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Vice President Stephen P. Corbett and Council President Mark S. Sideris voting in favor.

11. UNFINISHED BUSINESS FROM PRIOR MEETING:

a) Committee on Public Works [report](#) on Tree Regulations – Susan G. Falkoff, Chair (previously tabled). Councilor Falkoff summarized the report. Councilor Falkoff stated that with respect to the Tree regulations they will be revised by Mr. Hayward without returning to the Committee so that they may take effect by January 1st. Councilor Piccirilli 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 P. Corbett and Council President Mark S. Sideris voting in favor.

12. NEW BUSINESS

The Chair recognized Councilor Piccirilli who stated that the Budget & Fiscal Oversight Committee will be scheduling meetings on November 15th, 29th, December 6th. He requested that Councilors submit their changes to the budget and policy guidelines by Wednesday, November 24th at twelve noon to the Council Clerk. It was further noted by Councilor Piccirilli that a copy of the FY 2011 guidelines will be forwarded to councilors tomorrow.

13. PRESIDENT'S REPORT

The Chair read a [letter](#) from the Retirement Board regarding Retirement Pensions and asked that the matter be referred to the Committee on Fiscal & Budget Oversight for study and recommendation. Councilor Lawn moved the matter, seconded by Vice President Corbett 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 P. Corbett and Council President Mark S. Sideris voting in favor.

14. COMMUNICATIONS FROM THE TOWN MANAGER:

a) [Capital Projects](#) (Parks and Recreation) and request for referral to Committees. The Manager reviewed the matter. Councilor Donohue moved to refer the matter jointly to Budget and Fiscal Oversight and Human Services, seconded by Councilor Lawn 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 favor.

Fiscal Year 2011 [Tax Classification Hearing Schedule](#) and request to change the December 2010 Town Council Meeting. The Manager provided an overview of the matter. Councilor Lawn moved the December Town Council meeting to December 7th, seconded by Vice President 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 favor.

- a) The Manager reviewed a Request for Confirmations of re-appointments and appointment to Environmental Efficiency Committee to Public Works.
- b) Remaining Yard Waste pickup – November 19th and December 3rd.

15. REQUEST FOR INFORMATION – none noted.

16. ANNOUNCEMENTS:

The Chair announced Veterans Day Observance 2011, November 11th; the public is invited to VPW Post 1105 at 11:00 am to attend the event.

17. PUBLIC FORUM - none noted.

18. ADJOURNMENT: There being no further business to come before the Town Council, Vice President Corbett moved to adjourn the meeting at 10:00 pm, seconded by Councilor Lawn 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 favor.

[Addendum](#)

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 December 7, 2010 by voice vote.

Mark S. Sideris, Council President