



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
Wednesday, April 13, 2011 at 6:30 pm*
Richard E. Mastrangelo Council 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. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas. Councilor Lawn arrived shortly after the call of the roll.

2. **EXECUTIVE SESSION – 6:30 PM*** to discuss the purchase, exchange, lease or value of real property.

Vice President Corbett moved to go into executive session for the above stated purpose as discussing the matter in open session would have a detrimental effect on the matter, seconded by Councilor Palomba 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 voting in the affirmative.

3. **RECONVENE OPEN SESSION – 7:15 PM**

4. **PLEDGE OF ALLEGIANCE**

5. **ACCEPTANCE OF MINUTES:** [March 22nd](#).

Vice President Corbett 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 the affirmative.

6. PUBLIC FORUM:

Pat Gold – handed out a brochure regarding the Marshall Home Fund and provided a brief overview and history of the organization.

7. PRESIDENT’S REPORT:

The Chair congratulated Councilor John Lawn for winning the Primary for State Representative of the 10th Middlesex District.

The Chair stated that the School Committee has been meeting on the budget and has sent the Manager a request for a 2% increase over last year’s budget. The Chair also noted that the School Committee further added an amendment that if additional monies become available that three additional kindergarten teachers be funded to address the increase in enrollment.

8. MOTIONS, ORDERS AND RESOLUTIONS:

a) Acceptance of Proclamations: Recognizing [Arbor Day](#) and the 96th Anniversary of the [Armenian Genocide](#) – Mark S. Sideris, President.

The Chair read the Arbor Day Proclamation. Councilor Lawn moved to accept the proclamation, 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 the affirmative.

The Chair read the Armenian Genocide Proclamation. Councilor Kounelis moved to accept the proclamation, seconded by Councilor Donohue 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 the affirmative.

b) [First reading](#) on a proposed Ordinance to Temporarily Modify Hours of Operation of the Administration Building.

The Chair read the proposed Order and recognized the Manager who provided a brief overview of the matter. The Manager noted that the proposed Ordinance will be advertised in the local paper for a public hearing and vote on April 26th.

c) [Resolution](#) authorizing a transfer of \$14,500 from Fiscal Year 2011 Town Council Reserve Account to Fiscal Year 2011 Town-wide Phone System Services Account in order to fund services for RFP Development & System Selection and the System Implementation Process related to the new Town-wide phone system. The Chair recognized the Manager who

provided a brief overview of the transfer. Councilor Piccirilli moved to approve the resolution, seconded by Councilor Donohue 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 the affirmative.

d) [Resolution](#) authorizing a transfer to the Fiscal Year 2011 Fire Department Indemnification Account. The Chair recognized the Manager who provided an overview of the \$110,000.00 transfer. The Chair also recognized Fire Chief, Mario Orangio who spoke to the transfer and noted that the account funds medical bills related to firefighter injuries and indicated that it is difficult to estimate the injuries in advance thus the need for the transfer of funds.

Councilor Piccirilli moved to approve the transfer, seconded by Vice President Corbett.

Vice President Corbett asked why the Town's health insurance does not cover firefighters' injuries. Chief Orangio stated that injuries sustained in the line of duty are deferred to worker's compensation by health insurance providers. However, the Chief indicated that there is no worker's compensation for firefighters and therefore the Town picks up the medical bills for injuries.

Upon a roll call vote, the transfer was adopted by unanimous 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.

9. COMMITTEE REPORTS:

a) Committee on Public Works [report](#) on Electric Utility Tree Pruning, Permits for Driveway Paving, Restructuring Fire Service Fee, Roads Project and a follow up to the Mt. Auburn Street Project – Susan G. Falkoff, Chair. Councilors Falkoff and Piccirilli read the report.

The Chair indicated that Councilor Palomba has brought up a query regarding the Committee reports. The issue, the Chair noted, is that the reports have been including votes by the Committee members to move on items without a full vote of the Council. The Chair asked Attorney Reich for an opinion.

Attorney Reich stated that when the Town Council votes to accept a report, the Council is only voting the report and not any recommendations that may be in the report. The Council would have to take a separate vote on the recommendations put forth by the subcommittee he noted.

Attorney Reich stated that any Committee can vote a recommendation or request; but a subcommittee only has the ability to make a recommend that then requires a vote by the Council. He noted that the Town Council can delegate certain authority to the subcommittee but that no subcommittee has appropriating authority and that the Town Council appropriates funds and the Manager directs their use.

The Chair indicated his concern that the Council is accepting a report that has specific actions and/or monetary ramifications. The Chair read from the report and noted certain “actions” within the report and asked Attorney Reich if such “actions” should require a Council vote regarding raising specific fees and implementing certain phases of plans.

Attorney Reich stated that if the funds have already been appropriated by the Council, then Town Manager directs the use and the report is a matter of semantics.

If no funds were approved, then certainly the subcommittee cannot appropriate funds even if language in report indicates a vote of action of some kind.

Councilor Falkoff stated that the subcommittee did not intend to usurp the Town Council’s authority and that she noted that the subcommittee was only making recommendations on funds already appropriated.

President Corbett inquired about the subcommittee’s vote on increasing driveway permit fees and indicated that that action is increasing a fine.

The Chair stated that the subcommittee must be careful on how the reports are written in the future.

Councilor Falkoff made a motion for reconsideration of the vote to approve 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 the affirmative.

The Chair noted that the Committee report will be revised and presented for a vote at the next meeting.

- b) Committee on Public Safety [report](#) and [follow-up](#) on the Appointment of Retired Police Officers as Special Police Officers – Vincent J. Piccirilli, Jr., Chair. Councilor Piccirilli read the Committee report. Councilor Kounelis moved to accept the report, seconded by Councilor Lenk.

Councilor Palomba asked that the liability issue be explained by the Manager.

The Manager stated that the matter was addressed by Ms. Marshall in an email sent in February, which indicated that any injuries to retired police officers while on duty would be covered under the Town's insurance policy.

Councilor Piccirilli stated that the liability issue is complicated but that the benefits to use retired police officers outweigh those issues. He noted that often, there is not adequate Watertown police officers available to provide the police details resulting in other officers coming into Town who are not familiar with the roads and require more supervision.

Councilor Lenk thanked the Committee for addressing the issue and noted her support. She indicated that the matter is complicated but that it has been well explained by the Committee along with the supporting documents. She indicated that she was struck at how many out of town police officers are doing details in Watertown and stated that this is a good proposal to move forward on.

The Chair asked Attorney Reich if the matter can be voted tonight as a resolution was included in the agenda packet.

Attorney Reich, reading from the Charter, stated that a resolution is a measure, and therefore can be discussed and vote in one meeting as long as no other member of the Town Council shall object. He noted that it does not seem that a delay in the matter is required.

Councilor Kounelis noted that this is a win-win for the community and retired police officers.

Councilor Piccirilli asked if the Town Council needs to have a formal resolution or a cover letter.

Attorney Reich stated that in his opinion to bring this matter to the General Court does not need a formal resolution tonight but simply requires a vote or a resolution drafted after the fact would be sufficient.

Councilor Palomba asked what the advantage of voting this tonight is as opposed to having a public hearing at the next meeting.

The Chair recognized Police Chief Deveau who stated that if the Council is inclined to vote tonight that there is a benefit as the

construction season has started and the need to train the retired officers.

Attorney Reich stated that no public hearing is required as this is only a resolution and not an ordinance.

Councilor Piccirilli asked Councilor Kounelis if she would make a motion for the full Council to adopt the recommendation.

Councilor Kounelis moved to adopt the recommendation at the Committee level that the full Town Council support the document submitted by the Town Attorney and set into motion as a resolution and submitted to the General Court, seconded by Councilor Donohue.

The Manager indicated that all the protections have been outlined in the supporting documents and the Policy/General Order will be under the domain of the Chief of Police and Town Manager.

Upon a roll call vote, it was unanimously adopted 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 voting in the affirmative and Councilor Lawn voting Present in order to avoid a possible conflict of interest.

The Chair called a five minute recess.

- c) Joint Committee on Budget & Fiscal Oversight and Education & School System Matters [report](#) on the proposed Fiscal Year 2012 School Budget and projection of the Fiscal Year 2013 Budget Impact – Vincent J. Piccirilli, Jr., and Cecilia Lenk, Chairs. Councilor Lenk summarized the Committee report. Councilor Falkoff moved to accept the 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 P. Corbett and Council President Mark S. Sideris voting in the affirmative.
- d) Committee on Economic Development and Planning [report](#) and action on appointments to the [Planning](#) and [Zoning Boards](#); and a report on the Former Police Building/Municipal Lot and Bus Service along Pleasant Street – Stephen P. Corbett, Chair. Vice President Corbett read the report. Councilor Falkoff moved to accept the report as read (written report will be corrected), seconded by Councilor 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 the affirmative.

Vice President Corbett moved the appointment of Fergal Brennock to the Planning Board, seconded by Councilor Donohue 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 the affirmative.

Vice President Corbett moved the appointment of Suneeth John to the Zoning Board of Appeals, seconded by Councilor Donohue 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 the affirmative.

Vice President Corbett moved the appointment of David Ferris to the Zoning Board of Appeals, seconded by Councilor Donohue 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 the affirmative.

Vice President Corbett moved to authorize the Manager to put together a Request For Proposal for a consultant to analyze the space and layout and use of the former police station and town hall for a cost not to exceed \$10,000.00, seconded by Councilor Donohue 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 the affirmative.

Councilor Lenk asked if it will be assessed for reuse by town hall staff or commercial space or both. Vice President stated that the concept would be to assess space and needs of town hall staff; and not commercial use.

Councilor Palomba asked if this is just an affirmation of what the Town Manager can do without going through the Town Council.

Attorney Reich state, yes.

10. NEW BUSINESS – none.

11. COMMUNICATIONS FROM THE TOWN MANAGER:

a) [MBTA Trolley System](#) The Manager stated that the Board of Selectmen in Belmont would like to permanently replace the trolley system with buses. The matter will have to be discussed with Watertown and Cambridge as well.

Councilor Piccirilli moved to refer the matter to the Public Works subcommittee, seconded by Councilor Donohue.

Councilor Kounelis stated that there is extensive noise associated with the trackless buses according to phone calls she received by residents and minimal noise with the trackless trolleys. She noted that Watertown and Cambridge should be part of the discussion.

Councilor Palomba asked for a friendly amendment to send the matter jointly to Public Works and State, Regional and Federal Government, seconded by Councilor Corbett.

Councilor Donohue spoke in support of the trackless trolleys as a great asset for Watertown.

The motion to refer was adopted as amended 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 the affirmative.

- b) [Request for Confirmation](#) – Reappointment to the Board of Election Commissioners - Referred to State, Federal & Regional Government subcommittee.
 - c) The Manager noted an updated proposed Stormwater Ordinance which has been reviewed by the Town Attorney and is ready to be advertised for a future public hearing and vote of the Council.
 - d) Vaccination Clinic for dogs and cats – this Saturday.
 - e) Administration Building closed Patriots Day and closed at 1pm for Good Friday.
 - f) Yard Waste pickup – Friday, April 29th.
 - g) Family Network’s Early Childhood Grant that will focus on things to do for children during the upcoming school vacation week.
 - h) The Manager indicated that the House Way & Means Committee adopted Chapter 70 numbers the Governor put forward with cuts not as deep as previously feared.
12. REQUEST FOR INFORMATION – none noted.

13. ANNOUNCEMENTS

Councilor Palomba announced that the City of Melrose is putting forth a regionalization effort in IT and that Mr. Mahoney will be in attendance for a meeting on the matter.

Councilor Palomba announced a community meeting regarding the renovations to Victory Field, Tuesday, April 19th at 7pm in the Richard E. Mastrangelo Council Chamber.

The Chair announced that Councilor Palomba handed out a [draft proposal](#) regarding Harvard/O'Neil/Watertown charitable funds and asked that the subcommittee meet on the matter.

14. PUBLIC FORUM

Marilyn Devaney, 98 Westminster Avenue – read a [statement](#) in support of the special act regarding retired police officers appointed as special police officers.

15. ADJOURNMENT: There being no further business to come before the Town Council, Vice President Corbett moved to adjourn the meeting at 9:30 pm, seconded by Councilor Donohue 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.

[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 April 26, 2011.

Mark S. Sideris, Council President