

MINUTES

TOWN COUNCIL MEETING

TUESDAY, JULY 11, 2006 AT 6:30 PM

RICHARD E. MASTRANGELO CHAMBER

ADMINISTRATION BUILDING

1. ROLL CALL – 6:30 PM: A regular meeting of the Town Council was called to order at 6:30 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the roll call were Councilors Stephen Corbett, John A. Donohue, Angeline B. Kounelis, Stephen E. Romanelli, Mark S. Sideris, and Clyde L. Younger, Council President. Councilors Lawn and Devaney arrived after the call of the roll.

2. EXECUTIVE SESSION: The Chair asked for a motion to go into executive session in order to discuss strategy with respect to non union personnel. Councilor Corbett moved to go into executive session for the above stated purpose seconded by Councilor Donohue and adopted by unanimous roll call vote.

3. RECONVENE OF OPEN SESSION – 7:15 PM

4. PLEDGE OF ALLEGIANCE

5. EXAMINATION OF MINUTES: June 21st and June 27th. Councilor Sideris moved the minutes of June 21st as amended and June 27th, seconded by Councilor Romanelli and adopted by voice vote.

6. PUBLIC FORUM – none noted.

7. PUBLIC HEARING AND VOTE:

A. Public hearing and vote on an order establishing water and sewer rates and charges for Fiscal Year 2007. The Chair recognized Mr. Woodcock from Woodcock & Associates, Inc. to review the four options (attached) it was noted that the options included using retained earnings and not using retained earnings.

It was stated that water and sewer charges have increased due to increases passed on by the MWRA. In addition to the four options, Mr. Woodcock stated that a new charge for sewer backup is included in the fee schedule.

The Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Romanelli asked Mr. Woodcock what option he would recommend. Mr. Woodcock replied that selecting an option is a policy decision, but that he recommends option 1 which applies the increase evenly to all groups of users. The average increase with option 1 is approximately \$45 per 6 months of water and sewer use.

Councilor Romanelli queried Mr. Woodcock on the new fees and asked if they are being charged in other communities. Mr. Woodcock replied yes, and that the fees were common and in line with other communities.

Councilor Romanelli spoke against the proposed new fee to charge consumers for sewer backup service, which he felt sends the wrong message and seemed more like another tax.

Councilor Hecht spoke to the issue of using retained earnings. He stated that while it may help lower the impact for this coming year, it will increase costs next year and that it comes down to the question of how much of the town's savings you want to use. He further stated that the town can use the savings now or save it for a rainy day and that there is no right or wrong answer.

Councilor Devaney spoke against new fees and stated that punishing people who are experiencing sewer backup is like punishing the victim.

Councilor Donohue spoke in favor of the sewer backup fee and stated that those who need the service should pay for the service.

Councilor Kounelis asked what percentage of the service calls are from tree roots coming from town property versus negligence.

Mr. Mee, DPW Superintendent stated that most service calls are the result of cooking grease.

Councilor Sideris suggested that the Council vote on a water and sewer rate and refer fees and charges to the Public Works subcommittee, seconded by Councilor Romanelli and adopted by voice vote.

The Chair asked why the town cannot control their own costs and asked for justification on the 7-9% higher rates.

Mr. Woodcock responded by stating that the MWRA increases are equal to all communities, but that the real difficulty is how each community deals with the water rates. He stated that some towns have higher property taxes built into the MWRA debt and some communities offset residential increases with higher commercial rates. He further noted that overhead costs such as the salaries of the manager, public works superintendent, town treasurer and town auditor are placed within in water and sewer enterprise budget.

The Chair spoke in support of using retained earnings in the amount of \$225,000 to reduce the increase to 4.6%.

Councilor Sideris moved to select option 1 with retained earnings in the amount of \$225,000 noting that the rates are dependent on a Governor's veto, seconded by Councilor Donohue and defeated by a roll call of 4 in favor and 5 against with Councilors Corbett, Donohue, Romanelli and Sideris voting yes and Councilors Kounelis, Hecht, Lawn, Devaney and Council President Younger voting no.

Councilor Hecht spoke against using all the retained earnings and stated that the increase this year is modest and the town should bite the bullet now rather than put it off until next year.

Councilor Kounelis agreed with Councilor Hecht.

Councilor Devaney spoke against an increase in water and sewer rates.

Councilor Corbett spoke in support of option 1 and in support of using some retained earnings. He noted that costs are our own overhead and that past profits should not be used.

Councilor Hecht moved option 1 with no use of retained earnings, seconded by Councilor Lawn and defeated by a roll call vote of 4-5 with Councilors Hecht, Kounelis, Lawn and Romanelli voting yes and Councilors Corbett, Devaney, Donohue, Sideris and Younger voting no.

Councilor Sideris moved option 1, with the use of \$100,000 of retained earnings, seconded by Councilor Donohue. Following a lengthy discuss, the motion was withdrawn by Councilor Sideris.

Councilor Kounelis stated that the Council needs to set rates tonight and that the Council has to vote an increase as much as we do not want to.

Councilor Kounelis moved for Reconsideration on the 1st vote on option 1, with use of \$225,000 retained earnings, seconded by Councilor Sideris and defeated by a roll call vote of 5-4 (it is noted that it was defeated as a 2/3 vote was needed) with Councilors Corbett, Donohue, Romanelli, Sideris and Younger voting in the affirmative and Councilors Devaney, Hecht, Kounelis, Lawn, voting no.

Councilor Sideris moved option 1 with use of \$100,000 retained earnings. Upon a roll call vote the rates were adopted 8 for 1 against with Councilor Devaney voting no.

B. Public hearing and vote on a proposed amendment to the zoning map for Beacon Park.

The Chair recognized Mr. Gregory Watson, Planning Director who spoke in support of an amendment to the zoning map changing Beacon Park from a T zone (two family) to SC zone (single family conversion). Mr. Watson noted that the Planning Board voted 4-0 in support of the change.

The Chair opened up the public hearing and recognized:

1. Mary Keenan, 10 Beacon Park – spoke in support of the change and in support of preserving the family neighborhood.

2. Larry DeStephano, Beacon Park – spoke in support of the zoning change.

3. Allison Morales, 31 Beacon Park – spoke in support of the change and stated that there is a cohesive sense of home in the neighborhood.

There being no further comments, the hearing was closed.

Councilor Hecht spoke in support of the zoning change and read a letter from James Voris (Beacon Park resident) in support of the zoning amendment as well. Councilor Hecht also spoke in support of a conservation preservation district for the neighborhood.

Councilor Lawn queried if a three family in the neighborhood burned down, could they rebuild. Mr. Watson stated that the homes are grandfathered and have statutory rights built in.

Councilor Lawn inquired if any resident of Beacon Park was against the change. Mr. Watson indicated that no one spoke against the change during the Planning Board's public hearing.

Councilor Devaney spoke in support of the change and noted that this zoning change is just righting a wrong and addressing issues unique to the neighborhood.

Councilor Corbett stated that he is support of the change as a vast majority of the neighborhood is in support of the zoning change and noted for clarification that there is nothing before the Council regarding neighborhood conservation.

Mr. Watson agreed that there is no action before the Council regarding a preservation/conservation neighborhood district and stated that it would be a two fold approach.

Councilor Sideris moved the amendment to the zoning map, seconded by Councilor Devaney and adopted by a roll call vote of 8 for, 0 against and 0 present.

Councilor Devaney moved to suspend the rules to take up agenda item 9A seconded by Councilor Sideris and adopted by voice vote.

- A. Brief Informational presentation from the Historical Society regarding Treaty Day Celebration. The Chair recognized Karl Neugebauer and Bob Childs who provided an update regarding Treaty Day scheduled for July 15th and 16th at O'Connell Field. An itinerary of scheduled events was also provided.

Councilor Sideris moved to Suspend the Rules to bring forward a late agenda item, seconded by Councilor Devaney and adopted by voice vote.

The Chair recognized Councilor Sideris who read and presented a proclamation to the Historical Society recognizing Treaty Day.

Mr. Neugebauer thanked the Council for the proclamation and the efforts of the school department, public works, police and fire department assisting in making Treaty Day an annual success.

8. COMMITTEE REPORTS:

- A. Committee on Economic Development and Planning report and action on appointments to the Zoning Board of Appeals and the Planning Board – Stephen Corbett, Chair. The Chair recognized Councilor Corbett who stated that he recused himself from participation in the interview process and vote on the candidates due to a conflict of interest as he expects to have some business before these boards over the next several months. It was noted that Councilor Donohue presided over the interviews. Councilor Corbett read the committee report and reviewed each candidates qualifications (attached)

Councilor Hecht queried the Town Attorney on the fact that if a candidate receives a 1-1 vote with the Chair of the committee not voting. He asked if in that instance, the candidate would still be able to come before the Council for approval. It was his belief that they would.

Attorney Reich stated that the Committee is charged with considering appointments and making recommendations, if they fail to make a recommendation, the matter still will come before the Town Council.

Councilor Donohue moved all four candidates, seconded by Councilor Romanelli. Councilor Devaney asked that each candidate be voted separately. The Chair concurred. Councilor Donohue withdrew his motion.

Councilor Donohue moved the appointment of Deborah Elliot, seconded by Councilor Romanelli.

Councilor Devaney spoke in concern with having so many new members added to so many boards and spoke in support of staggering new members so that you have a mix of new and veteran members. She further asked why Councilors cannot get information regarding who applied for the vacant boards. Councilor Devaney stated that she will vote for Deborah Elliot and give her the benefit of the doubt as she has only been a resident for three years.

Councilor Kounelis stated that she did receive a response for how many applicants there were for the boards but it was a blanket response of number and not who. She stated that she is disappointed that at the present time the zoning board of appeals is a non-functioning board, as the last meeting was cancelled due to a lack of a quorum. As board appointments have gone unfilled for so many years and some board members have been serving well past their expiration date. Councilor Kounelis stated that it is wonderful that some new people in our community have come forward but that she does have concerns that some of them may not know the uniqueness of our community, particularly the east end of the town where there have been some difficulties with abutting businesses. She further stated that the zoning board of appeals and the planning board are two very important boards that actually can alter and change the structure of our community and neighborhoods.

Councilor Romanelli spoke in support of change on the zoning board as the current board has become stagnant. He further stated that the resumes of the individuals before the Council tonight are impeccable. Change is tough, he noted, but that it happens in every town and that he is happy to see the changes.

Councilor Lawn echoed Councilor Romanelli comments and spoke in concern with conflicting statements of asking people to get involved and then saying that they may not know the uniqueness of the town. He asked rhetorically, is there a certain time frame you have to live in the town before they can get involved, do you have to be a life long resident. He noted that people who buy homes here are being told that they do not know the uniqueness of the town and that it is very frustrating. He further noted that there are only two vacancies that are being filled on the zoning board and people should be commended for stepping forward and wanting to serve their community.

Upon voice vote, the appointment of Deborah Elliot was adopted with Councilor Kounelis voting no and Councilor Corbett voting Present.

Councilor Donohue moved the appointment of Peter Abair, seconded by Councilor Devaney and adopted by voice vote with Councilor Corbett voting Present.

Councilor Donohue moved the appointment of Stuart Bailey, seconded by Councilor Romanelli.

Councilor Devaney stated that she will be voting no on the appointment of this candidate as the candidate during his interview did not know where east Watertown was and that it was a cause of concern for her.

Councilor Donohue stated that Mr. Bailey did know where the end east was once it was explained to him that it was in the location of Route 16 and Route 20 near the Cambridge line.

Councilor Kounelis stated that she did not feel that everyone serving on a board needs to be a life long resident or even a one or two year resident to participate, but the zoning board of appeals and the planning board have the ability to change the character of our community town wide and that people should actually participate in other ways to get themselves acclimated within our community before taking a step to such a major board.

Upon voice vote, the appointment of Stuart Bailey was adopted by voice vote with Councilors Devaney and Kounelis voting no and Councilor Corbett voting Present.

Councilor Donohue moved the appointment of Richard Moynihan, seconded by Councilor Devaney and adopted by voice vote with Councilor Corbett voting Present.

The Chair asked the Manager to send out acknowledgement letters to all those who apply for positions on various boards and committees.

10. MOTIONS, ORDERS AND RESOLUTIONS:

- A.** Resolution authorizing a transfer in the amount of \$510,700 for School Capital Projects. The Manager provided an overview of the transfer. The Chair recognized Superintendent Steve Hiersche who urged the Council for their approval of the transfer due to safety issues involved and the timing issue with students off for the summer. Mr. Francione provided a detailed explanation of the list of safety

improvements (attached). Councilor Sideris moved the transfer of \$510,700, seconded by Councilor Romanelli and adopted by unanimous roll call vote.

- B.** Resolution authorizing a transfer in the amount of \$20,954 from the Fiscal Year 2006 Council Reserve to the Fiscal Year 2006 Contributory Retirement Account related to employees called to active duty by the Armed Forces of the United States (attached). The Manager provided an overview of the transfer. Councilor Devaney moved the transfer, seconded by Councilor Hecht and adopted by unanimous roll call vote.

11. PRESIDENT'S REPORT – none noted.

12. COMMUNICATIONS FROM THE TOWN MANAGER

The Manager announced the committee members which forms the Police Station Building Committee (attached).

The Manager elaborated on Windows for Watertown project.

13. REQUEST FOR INFORMATION

Councilor Devaney requested that the Manager advertise his appointment to the Retirement Board and follow the same process of other appointments on the board (attached).

The Chair requested that signage be posted from Galen Street alerting motorists of the various lanes to alleviate any potential confusing in entering Watertown Square.

14. ANNOUNCEMENTS

Councilor Kounelis stated that opinions expressed by her should be respected and Councilors should refrain from comments on such opinions and votes.

15. PUBLIC FORUM – none noted.

There being no further business to come before the Town Council, Councilor Donohue moved to adjourn the meeting in memory of Patrolman Fred Griffin and to go into executive session with respect to strategy regarding non union personnel, seconded by Councilor Romanelli and adopted by unanimous roll call vote. The Chair noted that the Town Council will not be returning to open session following the adjournment of the executive session. Adjourned: 10:35 pm.