

## MINUTES

### TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 26, 2006 AT 6:15 PM\*

RICHARD E. MASTRANGELO CHAMBER

ADMINISTRATION BUILDING

**1. ROLL CALL:** A regular meeting of the Town Council was called to order at 6:20 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen Corbett, John Donohue, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Stephen E. Romanelli, Mark S. Sideris and Clyde L. Younger.

**2. EXECUTIVE SESSION – 6:15 PM\*** The Chair asked for a motion to go into executive session in order to discuss strategy with respect to negotiations regarding non union personnel. Councilor Donohue moved the matter, seconded by Councilor Sideris. Councilor Devaney stated that she believed that the business regarding the manager's contract requiring it to be done behind closed doors was completed. She stated that finalizing it could now be taken up in open meeting. She further stated that it was time to complete the discussions before the citizens and press. She further stated that she will be using her Charter Privilege to table the motion to go into executive session tonight.

The Chair stated that he is not opposed to discussing the matter in public due to the manager agreeing verbally to the contract.

Councilor Sideris stated that the matter is still in executive session as the Council was not able to finish their discussion on September 12<sup>th</sup> due to it being Tabled by use of Charter Privilege by Councilor Devaney.

Councilor Sideris questioned whether Councilor Devaney could use her Charter Privilege a second time on the same subject matter.

Councilor Devaney stated that her use of Charter Privilege on September 12<sup>th</sup> was used in executive session regarding the town manager's contract. She stated that tonight her use of Charter Privilege is to Charter the motion to go into executive session, so it is different and can be used.

Upon a roll call vote to go into executive session, the motion carried by a 7-2 vote with Councilors Hecht, Sideris, Donohue, Lawn, Romanelli, Corbett, and President Younger voting in the affirmative and Councilors Devaney and Kounelis, voting against.

**3. RETURN TO OPEN SESSION – 7:15 PM**

**4. PLEDGE OF ALLEGIANCE**

**5. EXAMINATION OF MINUTES: September 12<sup>th</sup>.** Tabled.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 9A, Acceptance of Proclamation recognizing: October as Domestic Abuse Awareness Month, seconded by Councilor Romanelli and adopted by voice vote.

The Chair read a proclamation declaring the month of October as Domestic Abuse Awareness Month. Councilor Donohue moved to accept the proclamation, seconded by Councilor Sideris and adopted by voice vote.

The Chair recognized Ms. Karla Zevallos, Community Advocate Coordinator of REACH who provided the Council with a brief overview of their Clothesline Project, T-shirts designed by men, women and children who have experienced domestic abuse.

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

The Chair read a statement (attached) regarding the use of executive session for the purpose of discussing and negotiating the town manager's contract. The Chair noted that once negotiations are completed the Council will enact an ordinance for a first reading and public hearing before any compensation is awarded. He lastly stated that although not everyone may be pleased with the contract, the Council has undertaken a thorough and comprehensive review of the manager's contract, which had not been undertaken by previous Councils. He lastly noted that all executive sessions have been held according to Mass General Law and the town's Charter.

**6. PUBLIC FORUM – none noted.**

**7. COMMITTEE REPORT:**

A. Committee on Economic Development and Planning report and action on Economic Web Portal and appointments to the Planning Board – Stephen Corbett, Chair. The Chair recognized Councilor Corbett who read the Committee's report (attached). Councilor Corbett noted that he abstained from appointments to the Planning Board due to a possible conflict of interest. The reappointments of Mr. Brown and Mr. Hawes were recommended by the Committee 2-0. A web portal by J4B, Inc., a site that develops and maintains an information site that drives businesses to Watertown without additional staff was also discussed and was voted 2-1 to be recommended for use for a trial period of one-year at the cost of \$10,000.

Councilor Donohue moved to accept the report, seconded by Councilor Hecht and adopted by voice vote.

Councilor Donohue moved the reappointment of Mr. Brown to the Planning Board, seconded by Councilor Kounelis and adopted by voice vote, with Councilor Corbett voting Present.

Councilor Donohue moved the reappointment of Mr. Hawes to the Planning Board, seconded by Councilor Devaney and adopted by voice vote, with Councilor Corbett voting Present.

Councilor Donohue moved to allocate \$10,000 for the web portal, seconded by Councilor Sideris.

Councilor Devaney requested a presentation by J4B Inc, before any vote to allocate monies.

Councilor Donohue withdrew his motion and moved to invite Mr. Crosby in to provide a presentation, seconded by Councilor Devaney and adopted by voice vote.

B. Committee on Education & School System Matters report and action on appointments to the Cable Access Corporation Board of Directors – Stephen E. Romanelli, Chair. The Chair recognized Councilor Romanelli who provided a report (attached) on

appointments to the Cable Access Corporation which met earlier in the evening. The Committee discussed an outreach program, expanding local programming and how to get the public more involved in cable program. It was stated that those members who were appointed to the corporation as representatives from the school department, did not have to be interviewed. Councilor Hecht asked that Chairman Steve Alyward be invited in prior to his reappointment as he sits on the board as a citizen.

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

Councilor Romanelli moved the appointment of Mr. Bejoian, seconded by Councilor Sideris and adopted by voice vote.

Councilor Romanelli moved the appointment of Mr. Fields, seconded by Councilor Devaney and adopted by voice vote.

Councilor Sideris moved the appointment of Mr. Kaprielian, seconded by Councilor Sideris and adopted by voice vote.

Councilor Romanelli moved the appointment of Mr. Nofsker, seconded by Councilor Sideris and adopted by voice vote.

Councilor Romanelli moved the appointment of Ms. Altman, seconded by Councilor Sideris and adopted by voice vote.

C. Committee on State, Federal & Regional Government report and action on an appointment to the Board of Election Commissioners – John Donohue, Chair. The Chair recognized Councilor Donohue who stated that his Committee met earlier tonight to interview Mr. Curtis Whitney for reappointment to the Board of Election Commissioners. The Committee voted 3-0 to recommend Mr. Curtis Whitney reappointment to the Council for their consideration. Councilor Donohue moved to acceptance the verbal report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Lawn moved the reappointment of Mr. Whitney to the Board of Election Commissioners, seconded by Councilor Sideris and adopted by voice vote.

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

A. Informational Presentation on Haartz Masons, Inc. and other town-wide developments – Gregory P. Watson, Planning Director. The Chair recognized Mr. Watson who provided an update on the following properties:

1. Haartz Masons: Two of the buildings on the Haartz Masons property, which have been an eyesore for many years, are slated to be demolished. Safety issues regarding the building and overgrowth of weeds surrounding the property are being addressed.

2. Tentative plans for the Samuels property include a Lowes Department Store in the Waltham portion of Pleasant Street, the Watertown portion will remain as storage for the Target Store.

3. The Gore Society has sold a portion of their land to UBS United Bank of Switzerland.

4. Hanover Company, (East Watertown lot) future plans unknown.

5. Atrium School moved into the building. Possibly a permanent location for them.

6. Galen Street – 51 Water Street – office/commercial development have received concerns regarding traffic impact from the project.

7. Hollywood Video is leaving location on the corner of Mt. Auburn and Arsenal. Staples, smaller scale, moving in.

8. First Baptist Church has been underway with its rehabilitation; project proceeding very well.

Ms. Grace Fazzi stated that she has received 48 inquiries regarding the Haartz Masons property and thanked the town manager for his swift attention.

Ms. Susan Falkoff, Oliver Street, asked if the Haartz Masons building will be deemed hazardous waste.

Mr. Watson stated that some materials will need to be treated with care. Previous owner had done substantial clean up of the ground. Environmental issues will have to be handled carefully for any developer in the future development of the site.

Ms. Falkoff asked if access to Walker Pond will ever be available to the public.

Mr. Watson stated that talks are underway regarding care and custody of Walker Pond as a town resource.

Councilor Sideris asked about several sites including near Wild Wiley and Ralph Pills Lighting. Mr. Watson stated that Cambridge Savings Bank has been approved for the site. At former Auto Sound, a tile business will be at that site along with a Ben Franklin branch.

Councilor Lawn thanked Ms. Fazzi for her push to have the town look into Haartz Masons property.

Councilor Lawn asked if land around the Jewish Day School can be obtained for a recycling center. Mr. Watson noted that anything is possible and worth exploring.

Councilor Romanelli spoke in concern for truck traffic around the Pleasant and Waltham Street areas once Lowes Department Store is up and running and would like this addresses before then. He noted that Watertown needs to get involved.

Councilor Romanelli asked how the down swing in the housing market is going to affect the development of Beacon Properties, noting that Watertown needs to be concerned about that as well.

Councilor Kounelis asked what the zoning regulations are for schools and stated that a school recently opened up next to an establishment that serves alcohol. Mr. Watson stated that he is not aware of the implications to that, and noted that the Sepal Restaurant has gone out of business.

Councilor Kounelis asked for an update on the GSA site. Mr. Watson stated that there has been more pressure put on the government to do more remediation to the GSA site before any transfer occurs.

Councilor Falkoff provided a brief update on the site, specifically the wetland areas, noting that the wetland areas have expanded closer to the center of the site with some run off into the Charles River.

Councilor Hecht stated that the town should stay on top of the developments going on around the Pleasant Street area, open space and the Charles River as a focal point. Councilor Hecht requested that a master plan be undertaken for the Pleasant Street area. Mr. Watson stated that a master plan can be done comprehensively for the entire town.

Councilor Sideris spoke in support of a master plan immediately for Pleasant Street.

The Manager stated that the town should be inviting people in, reaching out to the city of Waltham through the Planning Department and the subcommittee of Economic Development and Planning.

Councilor Devaney spoke of lost opportunities and that we now must be proactive noting how she had been working for fifteen years to get funding to reconstruct Pleasant Street. She explained problems with accidents especially toward the Square near the MDC pool where the street narrows. She further explained how Watertown has lost State grants and most importantly recent federal grants. She noted that one of the things that Watertown has been delinquent on is linkage, that developers are getting breaks and the town is getting nothing and that developers on Pleasant Street should be held to reconstructing that road.

Councilor Donohue stated that last month he emailed the Economic Development Subcommittee and Mr. Watson a list of business along the Pleasant Street corridor and send a letter out to all people along Pleasant Street and see what their future plans are. Councilor Corbett stated that he would be happy to scheduling a meeting of the committee on the matter and get input.

Councilor Kounelis stated that she is a member of the Economic Development and Planning Committee and asked that she receive a copy of the mailing list that Councilor Donohue spoke of.

The Chair asked that residents of Waltham Street be included in that mailing. The Chair asked for a follow up on the traffic/safety issues regarding the Atrium School.

B. Informational Presentation on Performance Measurements – Leone Cole, Library Director, Gayle Shattuck, Personnel Director and Douglas Snow, PhD., Suffolk University. A presentation on how performance measurements, in addition to financial statements, can be used to determine how a department is performing with respect to how much it costs to provide a particular service to the community, how much service it is providing and how successful the department is in achieving its service goals and objectives and its quality and effectiveness of service. It was noted that four perspectives would be used in the methodology including financial, customer, innovation and learning and internal process. Mr. Snow stated that Performance Measurements are undertaken by the manager with the support of department heads and integrated into the budget process.

Councilor Hecht praised the manager for allowing this change in the budget process as it will require a lot of work on his part as well as his department heads.

Councilor Sideris moved to Suspend the Rules in order to allow Councilor Lawn to bring forward a late agenda item, seconded by Councilor Donohue and adopted by voice vote. Councilor Lawn provided a brief, verbal update on the Police Station Building Committee.

Councilor Lawn stated that the committee has sent out requests for proposals, which can be accessed on the town's web site. 47 firms inquired and 8 firms sent in proposals. It has been estimated that it will cost \$13 million to build a new police station; funding has not yet been approved. On September 20<sup>th</sup> the committee will review proposals and meet again on the 27<sup>th</sup>.

The Chair stated that a representative of the town's energy committee should have been included in the police station building committee as an advisory role and requested that Ken Mirvis be appointed to the police station building committee as a full voting member. Councilor Devaney concurred.

Councilor Sideris stated that the energy committee was established as an advisory board to the manager and that the police station building committee does not need another layer of government.

Councilor Lawn agreed and stated his concern with the committee becoming too big and not being able to get things done in a timely manner.

The Chair asked that the manager reconsider putting Mr. Mirvis on the police building committee.

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

A. Acceptance of Proclamation recognizing: October as Domestic Abuse Awareness Month. Previously adopted.

B. First Reading and Referral to the Planning Board on proposed amendments to the zoning ordinance. Mr. Watson provided a brief overview of proposed amendments to the zoning ordinance. It was noted that the amendments will be referred to the planning board for public hearing before returning to the town council for action.

C. Resolution authorizing a transfer of funds in the amount of \$5,000 in order to fund Benchmarking LLC.

The Manager provided a brief overview of the transfer. Councilor Romanelli moved the resolution, seconded by Councilor Sideris and adopted by unanimous roll call vote.

D. Resolution approving the acceptance and expenditure of a gift of funds in the amount of \$8,250.00

to offset expenses related to the "Faire on the Square 2006." The Manager provided a brief overview of the transfer. Councilor Romanelli moved the resolution, seconded by Councilor Sideris and adopted by unanimous roll call vote.

## **10. PRESIDENT'S REPORT**

A. Discussion on privatization of the John A. Ryan Skating Arena. The Chair stated that prior to someone being hired as skating rink manager, the Council wants the manager to look into privatization with a report back to the council.

Councilor Devaney reported that councilors received a copy of a request from a councilor asking that the Manager not hire a new rink director. She stated that we need to hire a rink director now and asked about the status of the Assistant Rink Manager. Councilor Devaney stated we haven't had any discussion on privatization until tonight. She said the manager and the auditor should have been looking at the rink and reporting to us when it was happening, regarding every dime or dollar on the floor and noted it was mismanagement on the part of the administration here. She said if it is the will of the council to look into privatization than it should be looked at in a thoughtful manner as to what is best for our residents. She talked in opposition to privatization, as you have no control of increased fees and its operation down the line.

Councilor Sideris stated that he is not opposed to referring the matter to subcommittee, but that a manager may need to be hired at the rink, even for a short period of time while looking into the feasibility of privatization.

The Manager stated that he would look to hire the right person to manager the rink as well as move forward with an enterprise fund, but if that person cannot be found, privatization would be an option and may also be looked at even if only for marketing purposes.

Councilor Donohue spoke against privatization.

Councilor Corbett spoke in support of keeping all options on the table.

Councilor Romanelli stated that the rink needs to be marketed in order to bring in more tax dollars.

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

1. Yard Waste pickup – October 6<sup>th</sup> and 20<sup>th</sup>.
2. Household hazardous waste drop off – October 21<sup>st</sup>.
3. Tax bills mailed out to residents, with personal property tax bills out next week.

## **12. REQUEST FOR INFORMATION**

Councilor Devaney requested a report on expired appointments on conservation commission.

Councilor Devaney asked why the crossing guards charged to protect our children as they cross the street from school, have not gotten a raise in over seven years. She noted that she has been asking the Manager to give them a raise for over five years requested a report on a cost of living increase for crossing guards.

She offered the following:

Watertown - \$14.00 per hour \$420.00 per month

Arlington - \$20.00 per hour

Waltham – 35.62 per hour \$875.00 per month

Stoneham - \$16.30

Belmont – \$10.00 starting out, but has received continual increases

Newton - \$35.00 per hour \$875.00 per month

She stated that she is not asking for these perks, just give them a raise after more than seven years and to care about these retired workers. She noted that crossing guards only get paid when school is in session.

Councilor Devaney reinforced her two previous requests, the long overdue and expired conservation commission appointments that have been asked by Councilor Romanelli and others and asked what is the delay.

Councilor Donohue requested a report back on traffic/congestion around the Atrium School, particularly idling cars, drop offs by parents.

Councilor Kounelis requested that a town wide policy of planting strips be placed on the Town Council agenda for a presentation.

### **13. ANNOUNCEMENTS**

Councilor Hecht announced that an upcoming meeting will be held at the Library regarding Nonantum Road – October 5<sup>th</sup> at 6pm.

Councilor Kounelis announced that an inventory of needed repairs, in particular the walking surfaces and metal tree grates, are being undertaken at Phillipello Park, per an email provided by Superintendent of Public Works.

Councilor Lawn read a statement regarding taunts he received by Councilor Devaney during meetings and notes being passed by her that were unprofessional. He asked that the behavior be addressed and cease. Councilor Devaney objected to Councilor Lawn's statement noting that Councilor Lawn was out of order as his statement was not an announcement, was untrue and a personal attack on her.

The Chair called order to the meeting.

Councilor Romanelli moved to adjourn the meeting, seconded by Councilor Sideris and adopted.

The Meeting adjourned at 10:30 pm.