



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

Kenneth M. Woodland,
District D Councilor

TOWN COUNCIL MEETING TUESDAY, MAY 8, 2012 AT 6:15PM RICHARD E. MASTRANGELO COUNCIL CHAMBER ADMINISTRATION BUILDING MINUTES

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 6:15 pm in the Richard E. Mastrangelo Council Chamber, Administration Building. present were Councilors John A. Donohue, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris. Also present were the Town Manager Michael J. Driscoll, Council Clerk Valerie Papas and Town Attorney Mark Reich. Councilor Falkoff arrived shortly after the call of the roll.
2. **EXECUTIVE SESSION – 6:15 PM:** To consider the purchase, exchange, taking, lease, or value of real property – Wells Avenue parking lot and 76 Stanley Avenue. Vice President Corbett moved to go into executive session for the above stated order and noted that conducting the matter in public session would have a detrimental effect on negotiations, seconded by Councilor Woodland and adopted by unanimous roll call vote with Councilors John A. Donohue, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris. The Chair stated that upon adjournment of the executive session; the Council will return to open session.
3. **RETURN TO PUBLIC SESSION – 7:15 PM –** All Councilors are present.
4. **PLEDGE OF ALLEGIANCE**
5. **EXAMINATION OF MINUTES:** [April 17th](#) and [24th](#). Councilor Piccirilli moved the minutes of April 17th, 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

Councilor Piccirilli moved the minutes of April 24th, seconded by Councilor Woodland 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

6. PUBLIC FORUM: The Chair recognized the following residents:

1. Clyde Younger, 188 Acton Street – who requested that Council Rule 8.7 be re-referred back to subcommittee for further review and re-consideration. Mr. Younger also stated that the Public Safety Study had questionable results and reflects poorly on the credibility of the firm that conducted it.

Councilor Piccirilli moved to bring forward agenda item 9C, seconded by Councilor Donohue 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

9C. [Resolution](#) approving the Acceptance and Expenditure of a gift of funds in the amount of \$700.00 to offset expenses related to the “Memorial Day Parade 2012”.

The Manager provided an overview of the resolution and introduced the new Veterans’ Agent, Gina Rada who provided a brief background of her qualifications.

Councilor Donohue moved to approve the resolution, seconded by Councilor Woodland 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

7. PRESIDENT’S REPORT: The Chair announced that the School Committee had reached an Agreement with Jean Fitzgerald, new Superintendent of Schools for a three year contract as of July 1st.

The Chair reviewed the public hearing dates and times for the Fiscal Year 2013 Budget.

8. PUBLIC HEARING AND VOTE: On a proposed Wells Avenue Parking Lot [License Agreement](#). The Manager provided a history of the Town’s use of the Wells Avenue Parking Lot originating to 1960. Attorney Reich provided a summary of the Licensing Agreement. He noted that the Licensing Agreement supersedes the 1960 [Indenture](#) and indicated that the lot will have 23 parking spaces, new meters and full access for overnight parking of vehicles. Attorney Reich also reviewed the improvements to the property to be completed by the Town by July 31st of 2012.

The Chair opened up the hearing to the public and recognized:

Don Levy, Deluxe Diner – stated that he sees this as a no-brainer for the Town to retain the lot for parking and noted that it has been working well for years.

Joe Ryan, Watertown Elks – who spoke in support of retaining the parking spaces for the vitality of the business area and noted that it would be a detriment not to have the parking there.

Frances Levis, President of the Greek Orthodox Church – spoke in support of the parking lot; agreeing with the previous speaker that the decision is a no-brainer.

Malcolm Matanian, Mt. Auburn Grill Restaurant – spoke in support of the keeping the parking lot and against towing being done by Citizen’s Bank.

Elizabeth Nshanim – indicated that the lot is sorely needed and that she has five vehicles in her household with only one parking space. She also spoke against the bank towing vehicles at night as a terrible practice.

Don Levy, Deluxe Diner stated that Citizen’s Bank has been a terrible bank for the community.

Vice President Corbett noted that he supports businesses and parking; but what has been unsaid is the termination clause; which provides for a 6 month notice. He indicated that the bank has changed hands several times and that this is not a prudent business proposal for the Town.

Councilor Donohue stated that this is a difficult decision. He noted that Citizen’s Bank has not been a good corporate neighbor for Watertown; particularly with their towing of cars in the evening. Councilor Donohue indicated that he cannot support \$100,000 of Town funds for a lot that the Town does not own and where the agreement can be terminated by this bank with as little as a 6 month notice to the Town. He indicated that the Town should be encouraging them to be a good corporate neighbor like Watertown Savings Bank.

Councilor Palomba asked what the dollar amount is; \$75,000 or \$100,000.

Mr. Mee noted that the Town will fund approximately \$75,000 with improvements to the lot and \$25,000 to replace the meters.

Councilor Falkoff stated that there is evidence that Citizen’s Bank is not a good neighbor; but that she supports the licensing agreement as the Town has been using the parking spaces and collecting revenue from the meters since 1960 and Attorney Reich has indicated that there is no reason to believe that they would terminate the agreement and noted that they have been negotiating in good faith and are happy to work with the Town with respect to these spaces.

Councilor Kounelis spoke in support of the licensing agreement to retain the Wells Avenue parking lot for one dollar. She spoke of the many parking spaces for Watertown Square and talks about erecting structured parking for the square in the range of five million dollars. She spoke against taking away parking spaces from the east end noting that the east end businesses depend on these parking spaces and residents depend on the lot for overnight parking during the winter parking ban. She stated that she will lobby

fast and furious for the east end and will represent the east end for as long as they will have her.

Attorney Reich stated that there has been no suggestion that the owners of the lot would terminate the lease. He further noted that the bank has been supportive of the Town using the property and the Town's effort to continue the use with no inkling that the owner or the bank would terminate this venture as the relationship has always been very cooperative. Attorney Reich indicated that the Town has the ultimate trump card and can take the lot if need be by Eminent Domain a decision not to be taken lightly by the Town.

Councilor Piccirilli stated that he agrees that there is a risk with a licensing agreement; but that he supports moving forward. He noted that as part of a committee report he wrote in 2008 he still supports retaining the lot and that in weighing the pros and cons; not moving forward to retain the parking would have a most definite and immediate negative effect versus the potential negative effect of the bank terminating the agreement sometime in the future. In the final analysis; he noted; the benefits of moving forward with the licensing agreement to retain the parking spaces outweigh the negatives.

Councilor Woodland indicated that the towing by Citizen's Bank is on the radar and that towing practices is predatory in nature. He stated that he is dead split on the issue of whether or not to move forward with the licensing agreement; citing the expenditure of funds for the lot versus allocating the monies for other improvements to the east end.

Councilor Donohue stated that regardless of the outcome of the vote; the Town should encourage the bank to be a better corporate neighbor and stop the towing.

Councilor Kounelis stated that when this was brought to her attention in 2009 she immediately brought it to the attention of Attorney Reich which was also noted in the news media and asked if Mr. Reich would like to speak to this issue.

Attorney Reich stated that he is ready to bring that issue to the attention of Citizen's Bank for a change in that towing policy.

Councilor Lenk noted the pros and cons; maintenance costs, plowing, but also the important of parking for the area to which residents spoke so eloquently about. She asked that the Council be apprised of the costs and that the Town stick to the budget and understand where the costs are if this licensing agreement goes forward.

The Chair stated that he hears both sides of the issue. He indicated that he does not feel comfortable spending public funds on private property; but he noted as Councilor Piccirilli stated; you talk about the good for the citizens of Watertown; much like spending \$100,000 for the Riverfront; for which the Town does not own either. The benefits outweigh the risks; and indicated that he will authorize Attorney Reich to address the issue of towing with Citizen's Bank.

Councilor Kounelis moved the Licensing Agreement as submitted by legal counsel, seconded by Councilor Falkoff and approved by a roll call vote of 6 for, 2 against and 1 present with Councilors Kounelis, Falkoff, Palomba, Piccirilli, Lenk, and Sideris in

favor; Councilors Donohue and Corbett against; and Councilor Woodland voting Present.

Vice President Corbett asked the Manager, through the Department of Public Works, keep track of the improvements to the lot; a cost report including the labor and material and equipment that the Town itself puts into the project.

Councilor Donohue moved to ask Attorney Reich to sit down with Citizen's Bank to curtail their towing during non-business hours, 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

9. MOTIONS, ORDERS AND RESOLUTIONS:

- a) First Reading on a proposed [Order](#) that \$540,000 is appropriated for the reconstruction of surface drains, sewers and sewerage systems, and for the payment of all other costs incidental or related thereto and that to meet this appropriation the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$540,000 under Chapter 44 of the General Laws or any other enabling authority, that the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority and in connection therewith to enter into loan agreements and financial assistance agreements with the Authority with respect to such loan; that the Town Manager, Treasurer and the Superintendent of Public Works are authorized to contract for and expend any federal, state or other aid available for the projects, including any grants related to such projects from the Authority; and that the Town Manager, Treasurer and the Superintendent of Public Works are authorized to take any other action necessary to carry out this project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received for the associated project prior to the issuance of bonds or notes under this order.

The Manager provided a brief overview of the proposed Loan Order which will be advertised for a public hearing and vote for the May 22nd Town Council meeting.

- b) [Resolution](#) authorizing a transfer of \$100,000 from the Fiscal Year 2012 Town Council Reserve Account to the Fiscal Year 2012 Transfer to Capital Projects-Riverfront Project Account toward the overall \$1,635,000 restoration of the Watertown Riverfront Park Restoration Project, with no funds being expended until the Commonwealth of Massachusetts commits to financing at a level of at least \$600,000 and fully executing one or more project phases. The Manager provided an overview of the transfer. Councilors Lenk, Corbett and Piccirilli

spoke in favor of the transfer stating that it will help get the construction started on this very important project. Vice President Corbett moved the resolution, seconded by Councilor Lenk 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

- c) [Resolution](#) approving the Acceptance and Expenditure of a gift of funds in the amount of \$700.00 to offset expenses related to the “Memorial Day Parade 2012”. Previously taken up.

10. COMMITTEE REPORTS:

- a) a) Committee on Personnel and Town Organization [report](#) on Town Reorganization – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee report. Councilor Woodland moved to accept the report, seconded by Councilor Palomba 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

- b) b) Committee on Public Works [report](#) and action on [re-appointment](#) to the Environment and Energy Efficiency Committee – Cecilia Lenk, Chair. Councilor Lenk indicated that the Public Works Committee met earlier this evening to interview Ms. Laurie Murphy for re-appointment to the Environment and Energy Efficiency Committee. Ms. Murphy’s re-appointment was unanimously voted by Committee members. A written report will be provided and attached to the minutes. Vice President Corbett moved to accept the verbal report pending the written report, seconded by Councilor Woodland 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

Councilor Lenk moved the re-appointment of Ms. Murphy, seconded by Councilor Woodland 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

11. NEW BUSINESS – none noted.

12. COMMUNICATIONS FROM THE TOWN MANAGER:

The Manager indicated that the Public Works Department received two awards today from the Governor regarding the Town's 2011 public water system's top scores and achievements in the program. The Chair noted his congratulations to the department.

13. REQUESTS FOR INFORMATION:

Councilor Kounelis asked for a follow up to her [memo](#) regarding unsecured cable wires.

14. ANNOUNCEMENTS:

Councilor Palomba re-iterated announcements of a Parenting with Awareness forum and a Recycling event regarding paper-shredding etc, both on May 19th.

The Chair announced the 17th annual Watertown High School Hall of Fame; Friday night; tickets are still available.

15. PUBLIC FORUM:

Pat Gold, Duff Street – announced a free conference regarding a Caring Community for Lesbian/Gay/Bi-sexual/Transsexual elderly on June 13th at Springwell.

16. ADJOURNMENT: There being no further business to come before the Town Council, Councilor Woodland moved to adjourn the meeting at 8:30 pm, seconded by Councilor Palomba 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., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Council President Mark S. Sideris voting in the affirmative.

[Addendum](#)

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on May 22, 2012.

Mark S. Sideris, Council President