



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, SEPTEMBER 25, 2012 AT 7:15 PM RICHARD E. MASTRANGELO COUNCIL CHAMBER ADMINISTRATION BUILDING MINUTES

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 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., Kenneth M. Woodland, 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.
2. **PLEDGE OF ALLEGIANCE**
3. **EXAMINATION OF MINUTES:** [September 11th](#). Councilor Piccirilli moved the Minutes, seconded by Councilor Lenk 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.
4. **PUBLIC FORUM:** None noted.
5. **COMMUNICATIONS AND REPORTS FROM TOWN OFFICERS AND EMPLOYEES:**
 - a) [Informational Presentation](#) report on the findings of the property line survey of Whitney Hill/Whitney Woods and continued discussion on the request of the Conservation Commission to transfer said land to their care, custody, management and control to be held under GL c 40, Section 8C for conservation, open space and passive recreation purposes – Christopher J. Hayward, Conservation Agent and Conservation Commission member Patrick W. Fairbairn, PH.D.

Following the [power point presentation](#), the Chair opened up the meeting for discussion and questions from Councilors.

Councilor Falkoff stated that this was a long held dream of hers to have this land turned over to the Conservation Commission. She noted neighbors' anxiety over the term "park" and what changes that might bring and stated that she is happy to hear tonight that the land will remain open space and that a community meeting is being planned.

Vice President Corbett asked about the [survey](#) which depicted a 6 acre portion in yellow marked Whitney Hill and a separate 3.7 acre portion in green and stated that it is news to him that the town owned land there that was not part of the Whitney Hill deed.

Mr. Hayward stated that the Conservation Commission tonight is seeking care, custody and control of the 6 acre site marked in yellow which was deeded to the Town as conservation land and indicated that he learned of the 3.7 acre parcel upon completion of the survey.

Councilor Kounelis stated that Councilor Falkoff just alluded to a possible neighborhood meeting; reading from material and correspondence specifically dated September 29, 2006 she noted that neighborhood meetings were to have been required prior to the Town Council making a decision on the matter. She further stated that the Town Council was provided all the pros from the Conservation Commission but from a legal standpoint she would like to see all the cons from our Town Attorney.

Councilor Palomba stated that the Conservation Commission should request the care, custody and control of both parcels.

Councilor Lenk thanked the presenters for pulling all the information together and noted that there are a lot of issues that need to be discussed and asked the Chair to refer the matter to the Public Works subcommittee for further discussion.

Councilor Piccirilli noted that the neighbors have been requesting the cleaning and maintenance of this land and are excited to have it resolved and agreed with Councilor Lenk about unanswered questions. He further stated that he wants it to be clear, that once the land is transferred to the Conservation Commission's care and custody, that they will assume all costs for the land's maintenance from their own funds.

Attorney Riech stated that 40A 8C is under the direction of the Conservation Commission and that they can expend the funds for these very purposes.

Councilor Piccirilli stated that he wants to make sure that once both lots are under the jurisdiction of the Conservation Commission and deemed protected as passive use land, that neighbors will still be able to use this land to walk their dogs as they do now.

Attorney Reich stated that the transaction is a very complicated one, not only to include a 2/3 vote of the Council but also would require a vote of the State legislature – a Special Act and could include certain requirements and inclusions within that Act.

Attorney Reich stated that with respect to the pros and cons, they are policy considerations which he cannot dictate but that he can give guidance and assistance. He further noted that it is important to look at how the Manager currently holds the 3.7 acre lot marked in green and indicated that the deeded 6 acre lot is already highly restricted; even prior to its transfer to the Conservation Commission.

Councilor Piccirilli pointed out conflicting opinions regarding whether the transfer of the land requires a simple majority vote of the Council or a 2/3 vote with the need for legislative action. He further spoke in favor of including all the parcels for transfer.

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

Councilor Palomba inquired about a joint referral to Human Service subcommittee.

The Chair stated that, before we get into human services issues, the land needs to be discussed by the Public Works subcommittee.

Councilor Falkoff stated that she is dismayed that the Council was not presented with a more complete package tonight and asked to have a timeframe for getting answers back from the subcommittee. Councilor Palomba moved to amend the motion to place a timeframe of December 31st on the Public Works subcommittee, seconded by Councilor Falkoff. Upon a roll call vote, the amendment was defeated 2-7 with Councilors Falkoff and Palomba voting in the affirmative and Councilors Donohue, Kounelis, Lenk, Piccirilli, Woodland, Vice President Corbett and Council President Sideris voting against.

Upon a motion to refer to subcommittee, the referral was 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. **PRESIDENT'S REPORT:** The Chair announced a Special Meeting on October 2nd to discuss and take action on the Collins Center proposal and an ESCO agreement for which the reports are on the agenda tonight.
7. **COMMITTEE REPORTS:**

- a) Personnel and Town Organization Committee [report](#) on the revised [Collins Center proposal](#) – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee report. Councilor Woodland moved to accept the report, seconded by Councilor Piccirilli 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) Budget and Fiscal Oversight Committee [report](#) on an ESCO Agreement with Johnson Controls – Vincent J. Piccirilli, Jr. Councilor Piccirilli read the Committee report. Councilor Woodland moved to accept the report, seconded by Councilor Kounelis 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.

8. NEW BUSINESS: None noted.

9. COMMUNICATIONS FROM THE TOWN MANAGER:

The Manager noted that Mr. Magoon has provided a favorable review of a reference check on the Collins Center which was requested by the Personnel and Town Organization subcommittee.

Next flu shot clinic on October 2nd at 55 Waverley Avenue.

Yard Waste collection is October 5th.

The Manager indicated that Ms. Rada is working in collaboration with the Watertown Tab in highlighting Watertown veterans and displaying veterans' benefits.

10. REQUESTS FOR INFORMATION: None noted.

11. ANNOUNCEMENTS:

Councilor Donohue announced the Watertown Ed Foundation kick-off at the Perkins School on Friday from 6-8 pm.

Councilor Kounelis announced that there will be a test light installed at the small delta adjacent to the diner in Coolidge Square.

12. PUBLIC FORUM: None noted.

13. ADJOURNMENT: There being no further business to come before the Town Council, Councilor Woodland moved to adjourn the meeting at 8:45 pm, 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.

Addendum

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by voice vote on October 9, 2012.

Mark S. Sideris, Council President