

## **MINUTES**

### **TOWN COUNCIL MEETING**

**TUESDAY, MARCH 27, 2007 AT 7:15 PM**

**RICHARD E. MASTRANGELO CHAMBER**

**ADMINISTRATION BUILDING**

**1. ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen Corbett, Marilyn M. Petitto Devaney, John A. Donohue, Angeline B. Kounelis, Jonathan Hecht, John J. Lawn, Jr., Stephen E. Romanelli, Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Council Clerk Valerie Papas, Town Manager Michael J. Driscoll and Town Attorney Mark Reich.

**2. PLEDGE OF ALLEGIANCE**

**3. EXAMINATION OF MINUTES: February 27<sup>TH</sup>.** Councilor Devaney moved the minutes of February 27<sup>th</sup> as amended with attachment, seconded by Councilor Sideris and adopted by voice vote.

**4. PUBLIC FORUM: none noted.**

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 9A Confirmatory vote on a proposed Order allocating property tax among or between property classes for Fiscal Year 2007 noting that the Order was voted at the last meeting but needed a re-confirmatory vote as a result of recommendation from the Massachusetts Department of Revenue Bureau of Accounts, seconded by Councilor Kounelis and adopted by voice vote. Councilor Sideris moved to adopt the Order allocating property tax among or between property classes for Fiscal Year 2007, seconded by Councilor Donohue and adopted by unanimous roll call vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 7A Informational Presentation on the Final Report of Municipal Benchmarking LLC – Kenneth Stracham, General Manager.

Mr. Stracham provided a power point presentation of the Final Report of Municipal Benchmarkings. Following the presentation the Chair recognized Councilor Hecht who stated that the report does not give us any answers, but helps us ask the right questions and provides a lot of grist for the mill.

The Chair thanked Mr. Stracham for the presentation and overview of the 300 plus page Municipal Yardstick report on revenue, expenditure, staffing, salary and debt comparison for Watertown.

## **5. PUBLIC HEARINGS:**

**A.** Public hearing and vote on a petition by Verizon to relocate one pole #111/13 on Belmont Street in order to correct right of way cable crossing at house #1002/1004 Belmont Street – Gary Savignano, Verizon. The Chair recognized Mr. Savignano who provided an overview of the petition. The Chair opened up the hearing to the public. There being no comments, the hearing was closed. Councilor Devaney moved the petition, seconded by Councilor Lawn and adopted by voice vote.

**B.** Public hearing and vote on a proposed Loan Order authorizing the Town Treasurer with the approval of the Town Manager to borrow and/or expend monies in the amount of \$1,100,000 under Chapter 44 of the General Laws or any other enabling authority for the cost of architectural and engineering services for plans and specifications for construction of a Police Facility at 552 Main Street. The Chair recognized Councilor Lawn, Chair of the Police Building Committee, who provided an update on the committee's progress. Councilor Lawn indicated that the committee has worked closely with the neighbors and thanked them for their interest and support for the project. Councilor Lawn acknowledged the 9 member committee and their commitment including Chief Deveau and Town Treasurer, Phyllis Marshall. The Chair recognized Ms. Marshall who reviewed the proposed loan order and contract with Kaestle Boos Associates, Inc for design services for a new police station at 552 Main Street. Ms. Marshall also noted that Town Building Inspector, Kenneth Thompson will be the project manager for the new police station with a start date of April 2007 and completion date of October, 2008.

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

1. Police Chief Deveau who thanked the committee members for their hard work and commitment to the project and noted the excitement and confidence in the project.
2. Charles Dupruis, President of Police Union – stated that he was pleased with the process and appreciated the discussion tonight and the Council’s favorable vote on the loan order.

There being no further comments, the hearing was closed.

Councilor Romanelli stated that he was happy to hear that the proposed recreation center will not be at 552 Main Street.

Councilor Lawn stated that it was always his intent to maintain the green space at the former Browne School.

Councilor Corbett encouraged his fellow councilors for their support on this project.

Councilor Devaney stated that she has been an advocate for a new police station for years and disagree with prior comments made that the police station has always been a priority. She indicated that on the capital improvement list, the police station was #10 and noted that she always felt that the police station should have gone ahead of a new library. Councilor Devaney also stated that she spoke out against the process feeling that the location of the new police station should have gone before a subcommittee of the council for open discussion and noted that former Councilors Pugliese and Bailey agreed with her.

Councilor Romanelli thanked and acknowledge Councilor Devaney’s long time support for a new police station and stated that he would rather not look back but look forward with a clean slate.

Councilor Kounelis stated that she lobbied for the new police station to be built at the former Coolidge School or would have rather supported looking at other options and indicated the negatives to the police station being built at the former Browne School will be the loss of revenue from the site and the loss of a school at the site and pointed to the

developments of hundred of apartments/condominiums along the Pleasant Street corridor and the lack of long range planning and vision. She asked that her written comments on the matter in a memo dated February of 2005 be attached for the record.

Councilor Hecht asked if the police station is the first project to be built under the new State statutes. Ms. Marshall indicated that it is.

Councilor Hecht asked if a feasibility study was conducted, what the 13 million dollar price tag was based on and noted his concern on the demands of Mr. Thompson. Ms. Marshall indicated that the dollar amount was largely based on square footage for similar projects and the requirement of a dollar amount for an RFP. She further stated that a feasibility study was conducted on the proposed site, the Coolidge School and Cross Street locations as well.

The Chair requested that the police station building committee continue to provide frequent updates to the Town Council.

Upon a roll call vote, the Loan Order was adopted by a vote of 8 in favor and 1 present, with Councilor Kounelis voting Present.

- C. Public hearing and vote on an Ordinance Imposing a Temporary Moratorium on Construction of Multi-family Residential Apartments/Condominiums. The Chair recognized Planning Director, Gregory P. Watson who provided an overview of the Planning Board's vote to recommend the temporary moratorium to I-2 & I-3 districts along Pleasant Street. Mr. Watson also stated that the Town has interviewed two highly qualified planning consulting firms to undertake the Pleasant Street vision/planning process and that a decision would be made shortly regarding the recommended firm.

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

Councilor Kounelis stated that at a recent subcommittee meeting of Economic Development and Planning she had inquired about including the east end I-2 and I-3 districts in the temporary moratorium as well and noted that the east end of town also has properties that can be developed and that there too is a need there to retain the commercial tax base.

The Chair spoke in favor of expanding the temporary moratorium to the east end.

Attorney Reich stated that it is the will of the Council if they want to expand the temporary moratorium tonight.

Councilor Hecht spoke against expanding the temporary moratorium town wide and noted that the moratorium should only be used as broadly as necessary. He indicated that he understands the concerns at the east end and that we should continue to look at the concerns through the zoning process which will be less drastic and imposing and use the moratorium in only serious circumstances. Councilor Hecht warned that he does not want to see another moratorium coming back before the council asking for more time and asked the Town to get moving on the study.

Councilor Donohue concurred and stated that the Pleasant Street study must move forward expeditiously.

Councilor Lawn stated that he will vote for a 6 month moratorium and that the study must be done within that time frame because he will not vote for an extension.

Councilor Corbett indicated that he will not support the moratorium, though he appreciates the Planning Board's rationale for it. He stated that he has philosophical reservations about such moratoriums that they should be reserved and used in a crisis situation only and that Pleasant Street is not in crisis.

Councilor Sideris stated that in general he does not support moratoriums but that he will support one in this instance and suggested that an amendment to the Ordinance be made to state that the 6 months starts at the awarding of a contract.

Attorney Reich warned that the suggested language is too opened ended and brings a level of uncertainty to the Ordinance as to timeframe.

Councilor Devaney asked what the process is for choosing a firm. The Manager noted that it will be his decision and that it will be made by first meeting in April.

The Chair noted that twenty five years ago we should have had more vision to the future and spoke in support of a more broad view of the moratorium and against a piece meal approach as suggested tonight.

Councilor Devaney stated that firms have been interviewed for the Pleasant Street study and you cannot change horses in mid stream.

Attorney Reich stated that this contract will not fall under contract law or competitive bidding laws and that there is nothing legally preventing the council from adding to the project.

Councilor Kounelis spoke in support of expanding the moratorium and study, town wide.

Councilor Sideirs moved to expand the temporary moratorium to the I-2 and I-3 districts town wide, seconded by Councilor Romanelli and defeated by a vote of 5 for and 4 against, (2/3 vote needed for zoning amendments). Councilors Devaney, Kounelis, Romanelli, Sideris and Younger voting in favor, and Councilors Corbett, Hecht, Lawn and Donohue voting against.

Councilor Sideris moved Ordinance as proposed, seconded by Councilor Donohue and adopted by a roll call vote of 7-2, with Councilors Corbett and Younger voting against.

Councilor Romanelli stated that the Watertown Boys Basketball Team has won the State Championship and noted that the School Committee is purchasing team jackets and asked the Council to support the purchase of team rings. A resolution will be brought forward at the next meeting and a celebration is planned in the near future to take place at the high school.

## **6. COMMITTEE REPORTS:**

**A.** Committee on Economic Development and Planning update on Pleasant Street Corridor, Coolidge Square Traffic Study, Watertown Square Parking Study and Commercial Tax Base Assessment – Stephen Corbett, Chair. The Chair recognized Councilor Corbett who provided a brief verbal update on the recent subcommittee meeting. It was noted that a parking study is needed and he is hoping for a recommendation on the matter soon; and the Coolidge Square project is moving forward. Councilor Corbett stated that the committee also discussed retaining the town commercial tax base. Councilor Donohue moved to accept the verbal update, seconded by Councilor Devaney and adopted by voice vote.

## **7. INFORMATIONAL PRESENTATIONS AND REPORTS:**

**A.** Informational Presentation on the Final Report of Municipal Benchmarking LLC – Kenneth Stracham, General Manager. Previously taken up.

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

**A.** Motion to adopt an amendment to the Council Rules to clarify the use and limitations of Charter Privilege regarding agenda items. The Chair recognized Councilor Hecht who spoke in support of amending the use and limitations of Charter Privilege stating that Section 2-9(b) refers only to postponing a vote or measure and says nothing of cutting off debate and noted that it serves no public interest to cut off debate. He further stated that current practice of allowing a single councilor to cut off debate is disrespectful and frustrating to others including the public who have come prepared to speak on the matter.

Councilor Devaney stated that she spoke with the author of the Charter Privilege who indicated that it follows Roberts Rules of Order and that the sole purpose of the Charter Privilege is to cut off debate until the next meeting in order to stop the subject matter from being forced without public notice and to ensure that everyone has an even playing field when it come back for a vote at the next meeting.

Attorney Reich stated that the Charter is a living and breathing document and can be clarified. He noted that the Charter Privilege is distinct from Tabling a matter. Tabling a matter requires a second on the motion and a vote of the council, and if adopted, does cut off debate. However, the Charter Privilege is a unilateral action by a single councilor and the issue of debate is not mentioned.

Councilor Romanelli stated that the use of Charter Privilege is a privilege and should not be abused or used to cut off debate. Though he spoke against more debate on the same matter, he spoke in support of the proposed amendment.

Councilor Hecht moved to insert rule 4.5 as follows: **When a single member invokes the Charter Privilege (Charter Section 2-9(b), any vote on the measure then before the Council shall be postponed until the next meeting of the Council. However, debate and public comment on the measure may continue in accordance with these Rules,** seconded by Councilor Romanelli and adopted by a roll call vote of 8 for and 1 against, with Councilor Devaney voting in opposition.

## **9. UNFINISHED BUSINESS FROM PRIOR MEETING:**

**A.** Confirmatory vote on a proposed Order allocating property tax among or between property classes for Fiscal Year 2007. Previously taken up.

**B.** Motion to remove Fillipello Park from consideration for a recycling center, to a site to be determined – Mark Sideris, Chair. The Chair recognized Councilor Sideris who stated that the disposition of the recycling center goes back to 1983 and no council has gone on record either way. Though, he stated, the recycling center is not being forced out, the council needs to vote on the concept for or against and moved that Fillipello Park be removed from consideration for a recycling center to a site to be determined, seconded by Councilor Donohue.

The Chair recognized:

John DiMascio, Copeland Street – stated that the recycling center is just another public facility that falls under the jurisdiction, care and custody of the Town Manager and asked why so many committees have been formed to deal with the subject matter.

Margaret Cassidy, Prentiss Street – asked why eliminate Fillipello Park from consideration when no other site has been determined.

Leo Martin, Conservation Commission member – stated that if the recycling center is not moved, then the town must go and purchase another piece of land somewhere else to match this lost space that belongs to the park.

Councilor Devaney spoke against taking Fillipello Park out of consideration as no other site is available. She noted that Mr. Wacker had made changes to the map and documents in the 80's without officials being made away of them.

The Chair ruled that Councilor Devaney comments were out of order and stated that until Councilor Devaney can substantiate such claims with written proof, she should not be making such statement.

Councilor Kounelis commended the Conservation Commission and Diana Proctor but noted that the town has a vested interest in Fillipello Park as tax payers as monies have gone into the park for restoration. She stated that she will not support the motion and that the recycling center has worked well in its current location.

Councilor Corbett spoke against the motion and stated that it is irresponsible to take Fillipello Park off the Table and that the matter of a recycling center at Fillipello Park is a based on opinion and is debatable and that he has not heard any public clamor to remove it from the site.

Councilor Donohue reading from a January 22, 2006 memorandum stated that the Superintendent of Public Works has stated that the town is losing monies by not having a permanent site for a recycling center.

Councilor Hecht stated that the motion is to finally get us off the dime and look seriously at other options. He noted that the issue is to move it or not move it, and if not, then to do a land swap. He indicated that there is no and run on the rules here and though it may be tempting to leave it, he does not favor that either. He lastly stated that the real question is, are we prepared to do a land swap or not.

On the motion to remove Fillipello Park from consideration for a recycling center, the motion was defeated by a roll call vote of 3 in favor and 5 against, with Councilors Donohue, Lawn and Sideris voting in the affirmative and Councilors Corbett, Devaney, Kounelis, Romanelli and Hecht voting against.

Councilor Hecht moved that the Town Council will go on record that it will not keep the recycling center out of Phillipello Park unless a swap of land of equal value is undertaken and that the Town staff have 90 days to identify a piece of open space and cost, seconded by Councilor Romanelli.

Councilor Sideris suggested looking at a town owned parcel at the corner of Main/Bacon and Pleasant Street for an appropriate land swap which could be cleaned up and made into an open space pathway to the Charles River.

On the motion by Councilor Hecht, it was adopted by a vote of 6 for and 3 against with Councilors Corbett, Kounelis and Devaney voting against.

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

The Chair read a proclamation for Al Johnson whose home was destroyed by Hurricane Katrina. Councilor Sideris moved to accept the proclamation, seconded by Councilor Donohue and adopted by voice vote.

The Chair asked that a report be provided by Superintendent of Public Works and a parking attendant on the status of parking meters at the next Town Council meeting.

The Chair asked that the matter of health insurance be referred to the committee of Budget and Fiscal Oversight. The matter was so moved by Councilor Hecht, seconded by Councilor Romanelli and adopted by voice vote.

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

1. Overnight Parking ban ends on April 1<sup>st</sup>.
2. Rabies Clinic, Saturday – March 31<sup>st</sup>.
3. Yard Waste Pickup – April 13<sup>th</sup>

4. Reviewed correspondence from School regarding debt and budget deficits due to special education and utility costs.

With respect to the above correspondence, the Manager asked for consideration on a motion to delay presentation of the Budget allotting an extra two weeks to deal with the above stated matter. The motion was made by Councilor Romanelli, seconded by Councilor Donohue and adopted by voice vote.

## **12. REQUEST FOR INFORMATION**

Councilor Donohue asked for a presentation by Mr. Ward on current health codes noting the departments excellent work.

Councilor Devaney suggested that the Town consider waving the demolition delay ordinance for the Hartz Mason building, which needs to be demolished as soon as possible due to sited safety hazards and a recent fire.

Councilor Devaney stated that she would like a report and also wants to know who is responsible for the Hosmer School building, noting in particular a large hole in the ceiling and subsequent water damage to the new section of the Hosmer School elevator.

Councilor Kounelis asked the Town Manager to report back on how the pilot programs are established and by whom; noting that a recent tax abatement to Tufts was based on a pilot program agreement reflecting a decrease in Tufts health care membership but upon further investigation noted that it had nothing to do with their financials, as Tufts revenues have dramatically increased.

## **13. ANNOUNCEMENTS**

Councilor Corbett announced that Faire on the Square will hold its first meeting at the Library on April 5<sup>th</sup>.

Councilor Corbett stated that the Watertown Community Foundation has finalized its report on the reuse of branch libraries and that a joint meeting will be held in the future.

Councilor Donohue announced that on April 21<sup>st</sup> a Charles River Clean Up Day will be held at a time to be determined.

Councilor Lawn announced that Early Childhood Fair will be held on March 24<sup>th</sup> at 68 Waverley Avenue.

#### **14. PUBLIC FORUM**

James Bean, Pine Street – suggested that the GSA land be explored for either a recycling center or a suitable land swap.

#### **16. EXECUTIVE SESSION**

There being no further business to come before the Council, Councilor Romanelli moved to go into executive session at 11:00 pm in order to discuss the value of real property and not return to open session following its adjournment, seconded by Councilor Sideris and adopted by unanimous vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes of March 27<sup>th</sup> were adopted as written, and with attachments, by voice vote on April 10, 2007.

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Clyde L. Younger, Council President