

MINUTES

TOWN COUNCIL MEETING

TUESDAY, MAY 8, 2007 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 6:30 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting at 6:15 pm were Councilors Marilyn Petitto Devaney, Angeline B. Kounelis, Stephen Corbett, Jonathan Hecht and Council President Clyde L. Younger. Councilors Romanelli, Sideris, Donohue and Lawn were absent.

2. EXECUTIVE SESSION – 6:15 PM*

The Chair asked for that a motion be made to go into executive session pursuant to the provisions of Mass General Laws, Chapter 39, section 23B in order to consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, the Council shall return to open session at the conclusion of the executive session.

Councilor Kounelis moved to go into executive session as stated. Councilor Corbett asked Attorney Reich for a legal opinion on the matter to be discussed.

Attorney Reich stated that although it is unclear what will be discussed in executive session, it is legally permissible to go into executive session for the above stated purpose according to the Town's Charter and that if the Council determines after going in to executive session that there is no purpose for the discussions, they can vote to come back out.

The Chair stated that it was his wish that the Council as a whole go on record as to make a statement but that if the Council does not want to discuss the matter in executive session, than he would ask that the matter be discussed in open session.

Councilor Corbett stated that he does not have a problem going into executive session in order to share information or to clear the air, but that he is disturbed that not all Councilors are present to do that. He asked how can the Council speak as one voice, if not all Councilors are here to do that.

Councilor Devaney stated that she will recuse herself from any vote on this matter as it pertains to her and she has nothing to hide.

The motion to go into executive session was defeated by a unanimous roll call vote.

Councilor Kounelis moved to discuss the matter in open session.

Councilor Hecht asked Attorney Reich if this matter can be discussed in open session noting the absence of this subject matter on the agenda.

Attorney Reich stated that the agenda included the executive session at 6:15 pm and that the Council can vote to have the discussion in open session. He further noted that Open Meeting Law does not require an agenda for the subject matter.

Upon a roll call vote, the motion was adopted 3-1 with Councilor Hecht voting in opposition.

The Chair stated that the charges made against a Councilor does not involve the Town Council in any way, making reference to the Town's Home Rule Charter, Page 41, Section 8-11. The Chair read from the Charter the distinctions with respect to allegations versus convictions. At this point in time, the Chair noted that the Council has not role to play in

any of the allegations made against a Councilor and that he wished the Council to go on record to this effect.

Councilor Kounelis echoed the comments of the Chair and stated that she feels for Councilor Devaney and feels that some of the allegations that have made their way on-line are inappropriate and they do not involve the Town Council or citizens. Some people have insinuated that the Town Council should be taking action, and she stated that that is totally inappropriate. Councilor Kounelis stated that the matter that brings us here tonight has been blown out of proportion and that the Council should be waiting. Councilor Kounelis stated that Councilor Devaney has been a good councilor serving her constituents and the commonwealth and she wishes her well.

Councilor Corbett stated that he also concurs with the Chair's remarks on the matter and echoed Councilor Kounelis' comments and extends his support to Councilor Devaney in getting through this situation.

Councilor Hecht stated that he agrees that the Council has no role to play at this point and that it is his hope is to keep the focus on things that matter to the Town and that is why he voted against the matter being discussed in executive session and having it become another source of controversy.

The Chair stated that he wanted to make it clear to the public that the Council was going to abide by the Home Rule Charter which at this point in time dictates that the Council will play no role at this time.

Councilor Kounelis moved a Sense of the Council that the Council goes on record following the Charter that everything that should be done is being done and that at this point in time the Council will play no role, seconded by Councilor Corbett and adopted by a unanimous roll call vote.

Councilor Hecht moved to Recess the meeting until 7:15 pm, seconded by Councilor Kounelis and adopted by unanimous roll call vote.

3. RETURN TO OPEN SESSION – 7:15 PM: All Councilors were present.

4. PLEDGE OF ALLEGIANCE

5. EXAMINATION OF MINUTES: April 24, 2007: Councilor Devaney moved the minutes with an attachment, seconded by Councilor Sideris and adopted by voice vote.

6. PUBLIC FORUM

1. Ralph Filleccia – spoke against the No Place For Hate proclamation as an infringement on his rights to have an opinion on various matters without his comments being classified as a hate crime. He requested that the Town reconsider the posting of the No Place For Hate proclamation erected outside of the Town Hall and have it revoked within 30 days.

7. PUBLIC HEARING:

A. Public hearing and vote on a proposed Ordinance to Temporarily Modify Hours of Operation of the Administration Building. The Manager provided a overview of the Ordinance (attached). The Chair opened up the hearing to the public. There being no comments, the hearing was closed. Councilor Devaney spoke in support of a year round Ordinance as other town's have adopted similar hours of operation with early closings on Fridays. Councilor Devaney moved the proposed ordinance, seconded by Councilor Romanelli and adopted by unanimous vote.

B. Public hearing and vote on proposed Zoning Amendments. The Chair recognized Mr. Gregory Watson, Planning Director and John Connery, Connery Associates who provided an overview of the zoning changes (attached). The Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Corbett thanked the Planning Department staff, Mr. Connery and Ms. Scott for the tremendous amount of work done on the proposed zoning changes. Councilor Corbett indicated that he most agreed with the parking changes which promoted good development but noted his concern with ½ story zoning changes. He also voiced concern with the increase in affordable housing percentages and the specific burden it places on developers. He also spoke in concern with cash payment of 25% provision as putting too much pressure on the project up front.

Councilor Donohue spoke in support of the parking changes and his desire to see a parking structure for Watertown Square. He spoke in concern with proposed changes which would allow residential units in the I2 zone and stated that a 50/50 split is going in the wrong direction. Councilor Donohue asked that this section be sent to subcommittee for further discussion and reconsideration. He also stated that the affordable housing percentage has gone too far.

Councilor Kounelis spoke in concern with the number of bedrooms and parking for multifamily dwellings.

Councilor Sideris suggested that the whole document be sent to committee and the Council not take a piece meal approach.

Councilor Hecht asked that Mr. Watson explain the goal and expected results from the changes, and in particular, the affordable housing percentage.

Mr. Watson stated that what the Town had for affordable housing did not work for large scale projects and that the goal here was to have a range of income level and not just the previous 80%.

Councilor Devaney stated that she wants to encourage business and spoke against residential units in the I2 & 3 zones.

Councilor Lawn spoke in support of sending only the affordable housing changes to subcommittee and not the whole document.

Councilor Romanelli concurred with Councilor Lawn.

Councilor Kounelis stated that she still has concerns with parking noting inadequate parking along Coolidge Avenue and spoke in support of sending to subcommittee Section 6.01 multi-family parking.

Councilor Donohue moved to send sections 5.07 (affordable housing requirements), 9.06 (Industrial zones 2&3) and 6.01 section 2 (multifamily parking) to subcommittee, seconded by Councilor Devaney and adopted by voice vote.

In response to Councilor Hecht's concerns with taking up the ordinance in piece meal, Mr. Watson stated that 5.07, 9.06 and 6.01 (section 2) can be removed from the rest of the ordinance without undermining the overall goal of the zoning ordinance.

Councilor Devaney moved to adopt the remaining zoning changes, seconded by Councilor Sideris and adopted by unanimous roll call vote.

Attorney Reich stated that the Council has 90 days to act on or adopt the three zoning matters.

8. MOTIONS, ORDERS AND RESOLUTIONS:

A. Acceptance of Proclamations honoring retired firefighters Thomas Stearns, William O'Connor and Gerard Caruso. The Chair read the proclamations honoring the three retired firefighters. Councilor Sideris moved to adopt said proclamations, seconded by Councilor Sideris and adopted by voice vote.

B. Resolution authorizing a transfer to fund the Watertown Town Hall Associates SEIU, Local 888 Agreement. The Chair recognized the Town Manager who provided an overview

of the transfer. Councilor Hecht moved the resolution, seconded by Councilor Sideris and adopted by unanimous roll call vote.

Councilor Hecht moved to request to the Town Manager when he puts together the budget, to put it together on the basis that the Town Council will agree on the same level of benefits as the Town Hall Union, specifically the 80/20 insurance rate and Option 5 co-pays to be effect July 1, 2007.

The Chair stated that the proper request should be to direct the Council President to place it in the budget in concert with the Town Manager. Councilor Hecht moved the request, seconded by Councilor Sideris.

Councilor Donohue moved a Friendly amendment that it be all elected officials, effective January 1, 2008.

Councilor Hecht spoke against the amendment and asked that it be limited to the Town Councilors only.

Councilor Devaney noting that she does not take the Town health insurance plan, spoke in support of the Council voting only their own insurance and not vote for others.

Councilor Sideris spoke in support of the Friendly amendment, noting that everyone should be stepping up to the plate with health insurance.

Councilor Kounelis spoke against voting for the School Committee and asked that the new health insurance rates begin July 1, 2007.

Councilor Devaney stated that her vote will not dictate to any of the other union and spoke in support of seeing the savings from this vote put toward where it is most needed and not placed in the general budget.

Councilor Donohue stated that if the School Committee does not choose this path, then it will lead us short on the budget.

Councilor Romanelli stated that the School Committee's stipend is only \$2,000 annually and if they go to 80/20, they will owe the town money for health insurance.

Councilor Sideris moved to Suspend the Rules in order to take this matter up as a late agenda item, seconded by Councilor Donohue and adopted by voice vote.

Councilor Sideris moved to bring back the issue of health insurance, seconded by Councilor Hecht and adopted by voice vote.

Councilor Hecht requested that the Council direct the Council President to place in the budget for the Manager's consideration that the Town Council agree to the same health insurance benefits as the Town Hall Associates as of July 1st, seconded by Councilor Donohue.

Councilor Donohue moved a friendly amendment that the new rates become effective as of January 1, 2008 with the newly elected Council, seconded by Councilor Romanelli.

Councilor Hecht stated that the motion to be limited to elected Town Councilors only.

Attorney Reich stated that the schools establish their own budget.

The Town Manager stated that the budget has been developed with all participants in the health plan going to Option 5 and so, he noted, that it cannot be held over until January 1, 2008 and that on July 1st the Option 5 plan design be adopted.

Councilor Hecht stated that the only motion on the Table at this point is his motion which only applies to the Town Council and starts July 1st and that the motion for a Friendly amendment should a separate vote.

Councilor Donohue withdrew his previous motion.

The Chair read the motion as follows: to vote to establish 80/20 as a contribution by the Town Council along with Option 5 as of July 1st.

Upon a roll call vote, the motion was adopted by unanimous roll call vote.

Councilor Sideris moved that all other elected officials beginning July 1st adopt Option 5, seconded by Councilor Donohue.

Councilor Donohue suggested that a letter be sent to all elected officials outlining the Council's vote and asking that they also adopt the same.

Upon a roll call vote, the motion was defeated by 6-3 with Councilors Corbett, Donohue and Sideris voting in the negative.

C. Resolution authorizing a transfer to fund salary adjustments for three Non-union Confidential Employees. The Chair recognized the Town Manager who provided an overview of the transfer. Councilor Hecht moved the resolution, seconded by Councilor Sideris and adopted by unanimous roll call vote.

D. Resolution in support of proposed State funding for safety improvements on Nonantum Road – Jonathan Hecht. Councilor Hecht read the resolution and thanked Senator Tolman for staying on top of this issue. Councilor Sideris moved the resolution, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Lawn thanked Councilor Hecht for staying on top of this issue.

9. PRESIDENT'S REPORT

The Chair requested a motion to send a pay increase for the Town Auditor to the Personnel Committee. It was moved by Councilor Donohue, seconded by Councilor Sideris and adopted by voice vote.

The Chair, after discussion, announced that the meeting in July will take place at its usual second Tuesday of the month – July 10th.

10. COMMUNICATIONS FROM THE TOWN MANAGER

1. Curbside recycling – May 11th and 25th.
2. Household Hazardous Waste – May 19th.

11. REQUEST FOR INFORMATION

Councilor Kounelis read into the record her memo written to the Manager regarding \$35,000 held in escrow from Stop & Shop. She read a response from the Town Auditor and he stated that checks and balances are needed and asked that further clarification on the matter be forthcoming (attached).

12. ANNOUNCEMENTS

Councilor Hecht announced an upcoming Budget & Fiscal meeting to discuss various State initiatives.

Councilor Sideris announced that Friday, May 18th is the deadline for the applications for the Charitable Funds.

Councilor Devaney announced that the Public Safety Committee will meet to discuss raises for the Crossing Guards.

Councilor Lawn announced that the Boys & Girls Club will host their 35th Anniversary.

The Chair asked to Suspend the Rules in order to bring forward a late agenda item. It was so moved by Councilor Sideris, seconded by Councilor Lawn and adopted by voice vote. Councilor Sideris moved to write a proclamation for the Boys & Girls Club to be forwarded to a representative of the Council who will be attending the event, seconded by Councilor Devaney and adopted by voice vote.

13. PUBLIC FORUM

The Chair recognized Father Metaxis who expressed gratitude to the Council for their time and energy and being the unsung hero for the Town. He noted his prayers to the Council and urged the Council to face its challenges with respect, love, patience, understanding and sensitivity.

The Chair thanked Father Metaxis for his kind and encouraging words and spoke in support of having a Chaplin lead us prior to each meeting and asked the policy committee to consider the request.

Councilor Romanelli concurred and thanked Father Metaxis for his words of support.

14. EXECUTIVE SESSION

There being no further business before the Town Council, Councilor Sideris moved to adjourn the meeting and go into executive session for the purpose of discussing strategy with respect to real property and litigation, and the Council will not be returning to open session following the adjournment of executive session, seconded by Councilor Lawn and adopted by unanimous roll call vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes for May 8th were adopted by voice vote on May 22, 2007.

Clyde L. Younger, Council President