

MINUTES

TOWN COUNCIL MEETING

TUESDAY, June 26, 2007 at 7:15 PM

RICHARD E. MASTRANGELO CHAMBER

AMINISTRATION 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., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney March Reich and Winifred Snow, Temporary Council Clerk. Councilor Romanelli was absent.
2. **Pledge of Allegiance**
3. **Examination of minutes:** June 12, 2007. Tabled.

At Councilor Devaney's request, a Moment of Silence was observed for the nine firefighters who died in a South Carolina fire and for retired Watertown firefighter Raymond Garcia who passed away last month.

4. **Public Forum**

Mr. Gerald Godin, Principal Officer Local #379 – spoke to the issue of Option 5, stating that one of his officers filled a prescription and was already charged the higher rate, prior to the July 1st start date. He noted that co-pays are supposed to be bargained out and this issue of health insurance has already has been brought to the ORC with thousands of dollars being spent in court costs to defend against unilateral changes in health insurance costs. Mr. Godin noted that a letter (attached) from the law firm of Kopelman & Paige is available for councilors perusal accompanied by audio tapes regarding the previous court case centered around this same issue which has previously been determined by the courts to be illegal. Mr. Godin stated that he will file again, against the Town, on this very same issue.

Duke Arone, Retired Watertown Firefighter – spoke against the way retirees were informed about the increase in co-pays and changes in the health insurance program. He noted that retirees received a letter in the mail regarding a health fair which stated that if you are happy with your health care provider and wish not to make any changes, your appearance at the event is not necessary. For most, they read the letter and did not attend. Mr. Arone stated that they deserved a letter from the Town alerting them as to what was going on with their insurance rates. Retirees are concerned with how this matter was handled.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 8B, seconded by Councilor Devaney and adopted by voice vote.

Acceptance of Proclamations honoring the retirement of Joseph F. Brooks, and Armando Fantasia, School Crossing Guards – Mark Sideris.

Councilor Sideris read and presented the Proclamations to Mr. Joseph Brooks and Mr. Armando Fantasia for their years of service to the children of Watertown as School Crossing Guards.

Mr. Brooks and Mr. Fantasia thanked the Council for the honor. Sgt. Deignan also thanked the Council for recognizing these two fine gentlemen for their many years of service.

Vice President Sideris moved to adopt the proclamations, seconded by Councilor Devaney and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward a late agenda item on Identity Theft, seconded by Councilor Lawn and adopted by voice vote.

The Chair recognized Jennifer Magni and Fitzgerald Santime, who provided a presentation on Identity Theft. The Chair thanked Ms. Magni and Mr. Santime for their informational presentation on this very important subject matter.

5. **Public Hearing:**

- A. 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 \$1,494,100 under Chapter 44 of the General Laws or any other enabling authority, for the purpose of purchasing departmental equipment for the School Department and Department of Public Works; install Fire Alarm Underground Duct installation; and remodeling, reconstruction and making extraordinary repairs to various School Buildings, Administration Building and the Senior Center. The Town Manager provided a brief overview of the Loan Order. The Chair recognized the following department heads: Town Treasurer/Collector, Phyllis Marshall spoke on planned improvements to the Administration Building; Director of Council On Aging, Carol Fox spoke on planned improvements to the Senior Center Building, Public Works Superintendent, Gerald Mee, Jr., spoke on the purchase of departmental equipment and installation of fire alarm underground duct; and School Committee Chairman Anthony Paolillo and Jay Francione spoke on various school building repairs and purchase of school equipment.

Councilor Sideris moved the loan order, seconded by Councilor Devaney and adopted by unanimous roll call vote.

6. **Committee Reports:**

- A. Committee on Economic Development & Planning report and update on zoning issues – Stephen P. Corbett, Chair. The Chair recognized Councilor Corbett who provided a verbal report from a June 20th meeting regarding zoning issues, specifically to consider changes to the affordable housing requirements, I-2 uses and new parking ratios for multi-family residential uses.

Committee voted 3-0 recommendations as follows: Section 5.07 – to increase to 15 units for mixed use projects; Maintain 10% affordability for all projects; Affordable units are comparable to market rate units; Cash payments not required until occupancy permits are issued; and affordable units are excluded from dimensional requirements lot unit per dwelling unit in the floor area ratio.

Committee voted 2-1 recommendation as follows: Section 6.01 parking requirements: No change takes place and that the Committee supports the Planning Board's recommendation on the matter.

Committee voted 3-0 as follows: Section 9.06 Hotel/Motel use be allowed by special permit in I-I district.

Committee voted 3-0 as follows: Section 9.06 25% of residential use in I-I and I-2.

Mr. Watson provided an additional overview of the committee's recommendations.

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

B. Police Station Building Committee update – John Lawn, Chair.

The Chair recognized Councilor Lawn who provided a verbal update on the new police station building. The following was noted: a recent meeting was well attended by a neighborhood committee to discuss access and preservation of the park, landscaping a community room; a 34,500 square foot building was approved on May 9th as a basic design; Wendy Price and members of the Browne House Historic District Commission provided input on the project; and input was solicited from the energy efficiency committee. Next meeting is scheduled for July 11th.

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

Councilor Hecht spoke in support of having input from the energy efficiency committee.

Councilor Kounelis stated that she previously has asked for a better guestimate on the project cost and would like that figure.

The Manager noted 13-15 million is the budgeted estimate.

Councilor Sideris stated that the developer was asked if he could do the project within the budget and his answer was yes.

The Chair asked that the police building be designated as one of the energy savings audit as provided by NStar along with the high school.

- A. The Chair brought forward agenda item 7A Informational Presentation from the Watertown No Place for Hate Committee.

The Chair recognized Will Twombly who provided an overview of the No Place For Hate initiative. Mr. Twombly introduced No Place For Hate committee members and provided background information on their goals (see attached informational packet). He indicated that No Place For Hate is not about limiting free thought and free speech or about political correctness but about basic human decency and treating one another with respect.

The Chair recognized Officer David Sampson provided an overview of the police department mission statement as it relates to the No Place For Hate program. He indicated that the police department wants all residents to feel safe, to feel welcome and part of the community and No Place For Hate falls in line with that mission. Officer Sampson stated that people who feel included in the community are more law abiding, helpful and feel that they have a stake in the town. Lastly, he noted that Watertown residents should be proud of this recognition and the programs No Place For Hate are involved in and the program was recertified this month for another year.

Councilor Devaney spoke in support of the program and its members, particularly, Mr. Twombly. Councilor Devaney spoke in support of the police department's mission to treat everyone fairly and to help make them feel safe and welcome. She noted that she recently received a vile email through the Town Council office and that posters were recently nailed to poles in her neighborhood making inflammatory remarks about her. She questioned whether these instances against her were a hate crime. The Chair ruled Councilor Devaney out of order.

Councilor Hecht spoke in support of the program noting that that No Place for Hate is a program, not a slogan or a statement, that promotes understanding for and among people with different backgrounds.

Councilor Kounelis stated that she is happy that the program is trying to educate people and that everyone is part of the community.

Mr. Richard Hoover, Irving Park – spoke against illegal immigration in the United States.

- B. The Chair brought forward 7 B Informational Presentation on the Town's Recycling Center – Gregory P. Watson, Director of Community Development and Planning and Gerald S. Mee, Jr., Superintendent of Public Works.

The Chair recognized Mr. Gregory Watson and Mr. Gerald S. Mee, Jr., who provided an update on the recycling center. Mr. Watson noted that the Town has continued to look into a new location for a recycling center. He noted that he had good discussions with Mt. Auburn Cemetery last week and that he is pleased to announce that the Town can relocate its recycling center at the former Schick property site and work with Mt. Auburn Cemetery to meet the needs of both the town's and theirs. Mr. Watson stated that the terms have not been negotiated, but they have a principal agreement with them if the Council finds that acceptable.

The Chair stated that he is thrilled with this possibility.

Councilor Devaney spoke in support of this idea in lieu of staying at Phillipello Park.

Councilor Sideris asked if Mt. Auburn Cemetery decides to sell the property where does the enhanced Recycling Center go after a 5 year lease.

Mr. Mee stated that he initially had misgivings about the move, but that he feels after much discussion with Mt. Auburn Cemetery, the plan could work and become more long term.

Councilor Sideris, member of the Recycling Ad Hoc Committee, thanked Mr. Watson and Mr. Mee for the progress on this important matter.

Councilor Hecht stated that the Town said it would not keep the recycling center at Phillipello Park unless a swap could be had. He questioned if there was a swap taking place.

Mr. Watson stated that this plan was something that could take place immediately and a swap was not.

Councilor Hecht stated that if the recycling center leaves the park, then the issue of a swap is moot. He spoke in support of an expanded recycling center. He noted that he does not want to get locked into a site that does not lend itself to an expanded center.

Mr. Mee noted that the Town has curb side recycling so that our recycling center would enhance what we already offer to residents.

Councilor Corbett spoke against a five year lease and in support of a long term or permanent solution.

Councilor Kounelis stated her concern with a five year agreement or a short term fix and spoke in support of having more concrete information as the Town moves forward.

The Manager asked for guidance with moving forward.

Councilor Sideris moved to go forward with discussions with Mt. Auburn Cemetery and have it brought back to the Town Council at a convenient time, seconded by Councilor Donohue and adopted by voice vote.

7. Informational Presentation from Town Officers and Employees:

C. Informational Presentation from the Watertown No Place for Hate Committee.

D. Informational Presentation on the Town's Recycling Center – Gregory P. Watson, Director of Community Development and Planning and Gerald S. Mee, Jr., Superintendent of Public Works.

B. Request for update on Option 5 of the Health Insurance Plans, as it pertains to Early Retirees as of July 1, 2007; and, other bargaining union employees retroactive compensation as of July 1, 2005.

The Chair recognized the Manager who stated that the matter is ongoing and that for early retirees the rate remains at 90/10.

The Chair asked if Option 5 for early retirees is a matter of being available to them or mandated.

The Manager stated that everyone will be on Option 5 and he is restricted as to discussing publically any matter regarding union negotiations.

Councilor Devaney stated that forcing Option 5 on people is a violation of bargaining and that she feels that she still has not received an answer from the Manager. Councilor Devaney asked the Manager what authority he had to force Option 5 outside of negotiations.

The Manager stated that ongoing negotiations remain ongoing and that the issues have been discussed.

Councilor Kounelis stated when she was told that the budget was predicated on Option 5, she was not aware that there was a gap of individuals who would not be represented by a union. She read from the Town's correspondence alerting early retirees of an upcoming Health Fair and stated that when they received their new cards they would have been confused and rightly so.

Councilor Sideris asked Attorney Reich if this matter is subject to the bargaining process.

Attorney Reich stated, yes, that this would be subject to bargaining.

The Chair stated that in light of that answer, he would like a motion to refer the matter to the committee of fiscal oversight.

Councilor Devaney asked for a meeting of the Whole and Finance, seconded by Councilor Kounelis.

The Chair reiterated that the motion to refer Option 5 for all those who have not completed their union bargaining, including early retirees, to committee.

Councilor Devaney moved to have the Manager rescind Option 5 for retirees, seconded by Councilor Kounelis.

Councilor Sideris asked where we are for those who bargained, with respect to Option 5.

Councilor Hecht stated that we are jumping ahead and inserting ourselves in saying we are rescinding something that has not been negotiated which is unnecessary at this point.

The Chair stated that we are the policy making board and along with Attorney Reich's opinion it is clear that this matter has to be negotiated.

Councilor Sideris asked Attorney Reich to clarify why everyone got a new health card when the negotiations were not finished amongst all parties.

Attorney Reich stated that he will defer to the Manager as he does not have clarification on that point.

Councilor Sideris asked Attorney Reich how the Manager could assume a negotiation matter.

Attorney Reich stated that this is a bargaining matter and there are consequences.

Councilor Sideris stated that the attorney just said there are consequences and that means that there will be consequences to the taxpayers if this matter is litigated.

Councilor Devaney stated that the Town Manager made decisions without negotiating and that the Council should take a stand and ask the Manager to rescind Option 5.

Councilor Lawn asked to hear the full impact on what a vote to rescind Option 5 would cost.

The Manager stated that it is a \$500,000 difference.

Councilor Kounelis stated that her premium has gone up 120% and this is something that should have been brought forward to people prior to negotiations and noted that she is concerned about the impact to residents as well.

Councilor Hecht stated that while process is important the Council did give policy guidance to the Manager on health benefits. He noted that from the Town's point of view no change has taken place regarding health benefits until July 1st.

Mr. Godin stated that people have been misled including the Town Council noting that you cannot get an answer from the same manager, the same attorney who were involved in a similar lawsuit which was determined at that time to be illegal. He noted the Manager does not have the legal right to make these decisions.

Upon a roll call vote the motion was adopted 5-3 with Councilors Hecht, Donohue and Corbett voting no.

Captain Gildea – asked if the early retirees and the remaining unions who have not settled, will now remain with the former health plan.

The Chair stated, yes.

Councilor Donohue asked to refer the impact of the new rates and Option 5 to Whole and Finance, seconded by Councilor Sideris and adopted by voice vote.

8. Motions, Orders and Resolutions:

- A. Resolution in support of the Town Manager completing the ongoing Union negotiations with the Firefighters, Police, Police Supervisors, and Public Works Employees prior to June 30, 2007 in order for bargaining units to be eligible for funding of retroactive pay raises – Mark Sideris.

Councilor Sideris provided an overview of the resolution noting that while it is not his role to get involved in the negotiation process, he hopes to reach out to both sides to spark movement in reaching an agreement.

Lt. Thomas Walsh, Union President – stated that this is a clear violation of the law and that the issues should be settled at the bargaining table. It has been previously determined that this is a violation of the law he noted. He further indicated that this has been about un-mitigated intimidation and asked if the Council is going to allow this to happen. Mr. Walsh stated that there are things that the Council is permitted to do and one of the things is termination.

Councilor Hecht stated that this is about policy guidance from 6 of 9 Councilors and the process issue is a thinly veiled effort to try to resist changes in the town's health insurance benefits. He noted that the real tragedy is that we have pitted the town's employees that don't get paid a lot of money against the taxpayers. He stated that we need to have health reform and a better tax system. He asked do we want to end sports in Watertown and have a tax override like Stoneham and Saugus.

Upon a roll call vote, the motion was adopted by a vote of 6 for and 2 against with Councilors Hecht and Corbett voting no.

- B. Acceptance of Proclamations honoring the retirement of Joseph F. Brooks, and Armando Fantasia, School Crossing Guards – Mark Sideris. Previously adopted.

- C. Resolution approving the acceptance and expenditure of a gift of funds in the amount of \$42,000 for the purchase and upkeep of a 2006 Ford Expedition that will enable the Police Department to provide direct response on a twenty-four hour basis to situations where crime scene services are required. The Chair recognized the Manager who provided a brief overview. The Chair also recognized Chief Deveau who made a brief presentation noting that the purchase price of the one year old vehicle is \$32,000 with a \$10,000 reserve for maintenance.

Councilor Sideris move the resolution, seconded by Councilor Donohue and adopted by unanimous roll call vote.

Vote to approve Other Financing Sources as outlined in the Fiscal Year 2008 Budget. The Chair recognized the Manager who provided an overview of the Order. Councilor Sideris moved the Order, seconded by Councilor Kounelis. Councilor Hecht stated that we did not do this right this year and these issues within Other Financing Sources, should have been discussed prior to the budget process. Adopted by unanimous roll call vote.

E. Resolution authorizing a transfer of \$31,500 to fund the Watertown Square Parking Feasibility Study (Phase One). The Chair recognized the Town Manager who provided an overview of the resolution. Councilor Sideris moved the resolution, seconded by Councilor Devaney and adopted by unanimous roll call vote.

F. First Reading: on an Order establishing Water and Sewer Rates and Charges for Fiscal Year 2008. The Manager provided an overview of the rate changes and fees and noted that Mr. Woodcock has forwarded additional information and that a public hearing and vote will take place at the July 10th Town Council meeting regarding the three alternatives.

9. **President's Report** – The Chair noted that materials were handed out regarding the strategic planning for the High School and Middle School.

10. **Communications from the Town Manager**

1. July 4th, Administration Building is closed.
2. Summer Concerts will take place every Thursday.

11. Request for Information

Councilor Kounelis reiterated her prior question on dollar loss in revenue if market rate units are not rented at the proposed rate. She asked that the answer be made available prior to the next presentation by Mitchell Properties.

Councilor Kounelis asked that a document be shared by Kopelman and Paige regarding Stop & Shop mitigation fund with a formal response from her inquiry regarding the matter.

Councilor Kounelis asked that people be made aware of what has been transpiring with 41 Katharine Road.

Councilor Sideris asked that expired appointments with the Conservation Commission board be forwarded to the Council.

Councilor Sideris asked for an update on the lot on Bacon Street with completion date on the work.

12. Announcements

Councilor Devaney thanked Lt. Tom Walsh, Captain Gildea, Captain Dan Walsh and Captain Costa for driving to South Carolina, representing firefighters at the memorial for the 9 firefighters who recently died in a fire.

13. Public Forum

Lt. Dan Walsh, Union President - stated that his union members realize that there is a crisis with health insurance costs and that he is concerned that remarks made by a councilor tonight painted his the union members in a light that they are entrenched in what was in the past and that is not the case.

Pat Gold, Duff Street – stated that residents are not cash cows and she would like to see the town employees make the same sacrifices. She noted that Councilors are elected to represent everyone and not just the employees. She congratulated the Manager for a budget that is fair to all.

Karl Neugebauer – provided an overview of a six mile historic bicycle tour funded by the Watertown Community Foundation.

14. Executive Session

Councilor Sideris moved to go into executive session in order to discuss strategy with respect to

Litigation, to discuss union contract negotiations and to discuss value, taking, lease of real property and not to return to open session following the adjournment, seconded by Councilor Devaney and adopted by voice vote.