

MINUTES

TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 25, 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 Marilyn M. Petitto Devaney, Stephen Corbett, John A. Donohue, Jonathan Hecht, Angeline B. Kounelis, Stephen E. Romanelli, Vice President Mark S. Sideris, and Council President Clyde L. Younger. Councilor Lawn arrived shortly after the call of the roll.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: July 24th. Councilor Devaney moved the minutes as amended, seconded by Councilor Sideris and adopted by voice vote.

A Moment of Silence was held for the passing of Councilor Sideris's father.

The Chair noted the outcome of support for the family of Councilor Sideris at his father's passing.

Councilor Sideris thanked all those who expressed their sympathy through cards and overwhelming support.

Councilor Sideris moved to Suspend the Rules and bring forward agenda item 9A

9. UNFINISHED BUSINESS

A. Consideration and Action on a petition by RCN.

The Chair recognized Mr. Mee who spoke on a petition by RCN requesting permission to lay 80 feet of underground conduit to Morse Street. He noted that the street was paved in 2001 and that the 5 year moratorium on a newly paved road has expired. He stated that RCN brought forward a number of petitions, four of which were denied based on a number of different factors and that approvals are based on merit in order to avoid making arbitrary denials. Mr. Mee also spoke about coordinating utility work with the developer, and noted that there is a 90 day permit issue and the town does hold the bond and that no work can take place during winter months.

Councilor Sideris recommended a more formal process and a mechanism to address the issue of utility placement and coordinated efforts so that areas are not continually being dug up to add more utility lines and suggested that the Public Works subcommittee is willing to work with Mr Mee on these issues. Mr. Mee stated coordination between utilities have always been a problem and that he make a better effort to coordinate this work with the developer, utility company and private builder.

Councilor Devaney, as Chair of Public Works, concurred with Councilor Sideris on the subcommittee working with Mr. Mee on a more formal process.

Councilor Kounelis also concurred and stated that she posed the question about flowable fill and even with a 90 day timeframe the town should check on the work because depressions often occur years down the road and asked when can a contractor be called back to do repair work on a patch after the 90 day period.

Mr. Mee stated that the town will always have a problem down the road with a patch even when using flowable fill, which is required.

Councilor Devaney moved to approve the petition by RCN, seconded by Councilor Hecht and adopted by voice vote.

4. PUBLIC FORUM – none noted.

5. PUBLIC HEARING AND VOTE:

A. Public hearing and vote on a proposed Municipal Reuse and Development Ordinance. The Chair recognized Mr. Watson, Planning Director who provided an overview on the proposed Municipal Reuse and Development Ordinance. He noted during the Planning Board's hearings there were both support for the ordinance and concerns voiced over the maximum height. Mr. Watson stated that the purpose of the ordinance was to prevent the town from being subjected to legal appeal, time lost or delay to municipal projects and unnecessary challenges. He noted the discussion on height, which Planning Board approved for 48 feet-4 stories.

Councilor Corbett read the Economic Development and Planning Subcommittee report and noted that there was general support for the Municipal Reuse Ordinance at the September 18th subcommittee meeting. He noted that 2 councilors voiced concern with the height issue. The subcommittee voted 2-1 in support of the proposed ordinance (attached).

The Chair opened up the hearing to the public.

1. Kathy Button, Edwards Road – She inquired how tall the Pleasant Street garage was, noting its imposing height in the neighborhood.

There being no further comments, the hearing was closed.

Councilor Corbett stated that the Coolidge School is 42 feet, the high school is taller, so is the Lowell School and the Brigham House is even higher than the others. He also noted that the existing Browne School is higher.

Councilor Kounelis stated that she was the descending vote on the subcommittee and noted that the height requirement is going from 45 feet to a proposed 48 feet; front yard setbacks are 15 feet and that it is a serious issue and that the height should conform to the neighborhood structures.

Councilor Devaney spoke in opposition to the proposed 48 feet height and noted that 45 feet is sufficient and that the town should be tightening up restrictions not expanding them.

Councilor Hecht stated that the Municipal Reuse Ordinance is a good change generally speaking as it provides a process for people who will be affected by the project and noted that there is more of an opportunity to speak out. He stated that the proposed dimensional criteria are reasonable and that the criteria is not fixed.

Councilor Hecht asked what the difference was between paragraph B and C, asking does it add anything, noting that it is confusing.

Mr. Watson stated that paragraph C is a transition restating paragraph B and doesn't detract from one another.

Attorney Reich added that paragraph B is triggered by change in reuse and suggested inserting the words "and the" for clarity.

Councilor Lawn stated that the ordinance is a good framework and that the proposed 48 feet height is less than the existing building. He added that the proposed building will be a cape-style in keeping with the neighborhood architect and that he is sure that the town will always do the right thing with municipal project.

Councilor Sideris stated that the proposed ordinance gives notice to the public and abutters and that he is not stuck on the height issue. It is a good ordinance he noted and will support it.

The Chair stated that the ordinance gives more discretion to the Planning Board and can result in a deaf ear to abutters concerns. He asked, where is the protection and balance? He spoke in support of a more stringent ordinance and questioned whether the proposed ordinance really gives people a voice.

Councilor Donohue stated that the proposed ordinance is well thought out and balanced and looks toward the future. He pointed to the 5 feet setbacks to the Lowell School and noted the proposed 50 feet setbacks with the ordinance. He stated that the height of 48 feet allows for 12 feet high dropped ceilings where technology will be placed within the ceiling area for the new police station.

Councilor Kounelis and Devaney stated that they still had concerns with the 48 feet height.

Councilor Sideris moved to amend the proposed height of 48 feet to 45 feet, seconded by Councilor Devaney.

Councilor Donohue moved for a friendly amendment, exempting schools from that 45 feet height limit, seconded by Councilor Sideris.

The motion was defeated by roll call vote of 3 for and 5 against with Councilors Donohue, Hecht and Lawn voting in the affirmative and Councilors Corbett, Devaney, Kounelis, Sideris and Younger voting no.

Councilor Hecht moved to amend the height to 45 feet, seconded by Councilor Donohue. Upon a roll call vote of 4 for and 4 against with Councilors Devaney, Kounelis,

Sideris and Younger voting in the affirmative and Councilors Corbett, Donohue, Hecht and Lawn voting against, the motion was defeated.

Councilor Donohue moved to approve the originally proposed ordinance including Attorney Reich's added words "and the", seconded by Councilor Sideris and adopted by unanimous roll call vote 8-0.

Councilor Sideris moved the Ordinance as amended, seconded by Councilor Hecht and adopted by a 2/3 vote of 6 for and 2 against with Councilors Kounelis and Devaney voting no.

Councilor Corbett, returned to the remaining items in the Economic Development and Planning report. He noted that zoning amendments which are listed on the agenda as a first reading for affordable housing included allowing affordable units to differ from market rate units in gross floor area by 20% with a minimum threshold set for a one bedroom of 800 square feet, 1,000 for a two bedroom and 1,350 for a three bedroom with units exceeding 2,000 removed from determining average gross floor area. This was to allow more flexibility in providing for affordable units. The subcommittee voted unanimously 3-0 to recommend adoption.

Councilor Corbett stated that zoning amendments for parking for multi-family areas in Section 6.1 would change the requirement from two spaces per unit for one, two and three bedrooms to 1.5 for a one bedroom; 1.75 for a two bedroom; and 2 spaces for a three bedroom. He noted that after extensive discussion, the subcommittee voted 2-1 to recommend adoption.

Councilor Corbett stated that there Edwards & Kelcey have been acquired by a larger firm and are no longer interested in providing the Watertown Square parking study. A new contract with Traffic Solutions is underway with a one year timeframe.

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

The Chair questioned what was gained by reducing the size of affordable units and if they are too small they may not count. He further stated that parking is such a problem, why reduce it.

Councilor Corbett stated that the zoning amendments are a first reading only and that he was providing a subcommittee report only.

Councilor Devaney spoke against reducing parking spaces, especially in the Coolidge Square area.

6. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS & EMPLOYEES:

A. Informational Presentation on Watertown Free Public Library activities

– Lucia Mastrangelo, Chairman Library Board of Trustees.

The Chair stated that he would like to set ground rules for this update and stated that the Library Trustees are here to answer allegations and that he will not recognize any councilor nor any audience member other than a library trustee or the director.

Raya Stern stated that the trustees are responsible for disposing of library materials and how books are handled. Books that are damaged, outdated or no longer needed are donated to the Library Café bookstore for public sale, she indicated. If items are not sold by a specific time they are donated to GotBooks, which raise money for worthy causes.

Some items, she noted, that are donated to the Library Building Committee are in poor condition, damaged, dirty or moldy and if GotBooks will not accept them, they are put out in recycling containers.

The Chair thanked Ms. Stern for the update.

B. Informational Presentation on New Local Option signed into law by Governor Patrick allowing municipalities to join the Group Insurance Commission (GIC) – Kenneth Lombardi, Chief Executive Officer, EBS Foran Insurance and Advisory Services, Inc. The Chair recognized Mr. Lombardi who provided an in depth power point presentation (hard copy attached to minutes). The presentation reviewed the State's Group Insurance Program (GIC) including plan/carrier options; Medicare retirees options; enrollment requirements; waiting periods; rate comparisons; plan selection assumptions; and coalition bargaining issues.

Councilor Hecht stated that health care is a huge issue for the town and a budget buster with double digit increases. He noted that the town had to shift some of the costs to employees, which was unfortunate but necessary. He spoke in support of looking at this legislation and working through the information. He stated that he is encouraged by the cost savings, which are huge – 1.2 million per year. He also noted attractive savings for retirees. He lastly stated that the GIC will keep its costs down better than the town can in the long run and that he would like to encourage getting this information out to the people.

The Chair stated that employees have not turned a deaf ear to attempting to share in the cost of health care and noted the savings of \$177,000 per month with the GIC program.

Councilor Kounelis inquired about the waiting periods.

Mr. Lombardi stated that the State has a 60 day waiting period for new hires but that you cannot be turned down for coverage.

Peg Cassidy, Prentis Street – asked why the waiting period.

Mr. Lombardi stated that it is just part of the GIC plan.

Councilor Sideris inquired about getting out of the plan, once enrolled.

Mr. Lombardi stated that currently once you join, you cannot get out – but that may be subject to change in the future.

Dave Sprogus, Chester Street – spoke in support of the town joining GIC to save money.

Jeff Krasner, Gay Road – also spoke in favor of the GIC noting their stellar reputation, innovations and transparency in care.

The Town Manager stated that on February 15th he indicated that GIC gives the municipality another option to look and an opportunity to lower its costs. He further noted that due to the October 1st deadline, the change will not occur in FY 09 but it does not preclude everyone to look at this opportunity for the future.

C. Informational Presentation on the pension investment reform that the Governor recently signed into law and how it impacts the Watertown Contributory Retirement System as well as a review of the Retirement System's newly adopted funding schedule, and current investments.- Thomas Thibaut, Chairman of the Retirement Board and Thomas Tracy, Town Auditor. The Chair recognized Mr. Tracy who stated that Retirement Board chairman, Thomas Thibaut had a prior commitment and could not be here tonight. He noted that Board members Duke Arone, James Bean, Mr. Lochran are present as well as Mr. Gibson.

Mr. Tracy reviewed various documents, correspondence, spreadsheets regarding pension investment reform. He stated that a January 2007 study resulted in a new funding schedule which was approved by PERAC and is 67% funded. He indicated that Watertown does not fall under an under performing system and therefore there is no mandate for it to fall under the State's pension. Watertown did in fact trail the State by 2% PRIT fund, but the law requires it be both less than 65% and trail by 2% or more in an annualized basis. It was noted that the town can voluntarily go into the State's system by October 1st with the Manager and Council's approval.

The Chair recognized Mr. Sherman who provided a lengthy summary of the 67% fund ratio and how the town went from 59% to 67%.

Councilor Corbett asked if the ratio adjustment was due to the smoothing process.

Mr. Sherman indicated that it was and noted that everyone does it and it paid off for Watertown.

Councilor Corbett asked how many communities fell under the PRIT as under funded. Mr. Sherman indicated that 10 or 12 communities.

Councilor Hecht thanked the board for their presentation and stated that the State's PRIT fund is a huge financial and municipal issue just like the GIC and could bring the town an additional 81 million dollars over 10 years. He noted that what is good for the Retirement Board is good for the town and that it is in that spirit he is in favor of joining PRIT even though the town is not required to, and could do so voluntarily like 25 other communities. He lastly noted that larger funds means better investment opportunities and that our investments are not in the same league as PRIT.

The Chair noted that bigger is not always better, highlighted by GM's recent troubles with bankruptcy even though they are the biggest automotive manufacturer in the world.

Councilor Donohue asked how often can the town do a "fresh start" referred to as smoothing.

Mr. Sherman stated that there are no rules.

Councilor Devaney stated that she has heard that the PRIT gains may be a good thing in the short term but not in the long run. She thanked the Retirement Board for their presentation and noted that PRIT gains may be short term.

The Manager noted that he is worried about Fiscal Year 2010.

D. Informational Presentation and Update on Pleasant Street Road Project; Ongoing Roadway Management Study and how to proceed with addressing Common Street road conditions – Gerald S. Mee, Jr., Superintendent of Public Works. Tabled to October 9th meeting.

7. COMMITTEE REPORTS:

A. Committee on Economic Development and Planning report and update on zoning amendments, Municipal Reuse Ordinance and Watertown Square Parking Study – Stephen Corbett, Chair. Previously presented and adopted.

B. Committee on Budget and Fiscal Oversight report and action on a resolution regarding the Fiscal Year 2009 Budget Process and Timeline – Jonathan Hecht, Chair. Councilor Hecht provided a brief review of the committee report and resolution as amended by the committee (attached). Councilor Hecht also reviewed the timeline for Councilors. Councilor Sideris moved to accept the report, seconded by Councilor Donohue and adopted by voice vote.

Councilor Sideris moved to adopt the Fiscal Year 2009 budget process and timeline, seconded by Councilor Devaney and adopted by voice vote.

8. MOTIONS, ORDERS AND RESOLUTIONS:

A. Acceptance of Proclamation honoring Nick DeNitto. Councilor Sideris moved to accept the proclamation which was previously presented to Mr. DeNitto, seconded by Councilor Devaney and adopted by voice vote.

B. First Reading and Referral to the Planning Board on Zoning Amendments- Affordable Housing, Multi-family Parking and I1 and I2 Uses. The Town Manager provided an overview of the proposed zoning amendments which were re-advertised he noted, due to the expiration of the 90 day period. The Chair recognized Mr. Watson, Planning Director who reviewed I1 & I2 uses and provided a first reading noting that the Planning Board will hold its public hearing on October 17th and the Town Council, at the earliest could conduct a public hearing and vote on October 23rd.

C. First Reading on a proposed Ordinance to require certain appointments made by the Town Manager to be Subject to confirmation of the Town Council (Act passed by the General Court in 2001 and voted affirmatively by Watertown voters in 2001) – Request of Councilor Marilyn M. Petitto Devaney. The Chair recognized Councilor Devaney who provided brief overview. Councilor Hecht moved to refer the Ordinance to the Rules and Ordinances Committee for review and recommendation, seconded by Councilor Donohue and adopted by voice vote. Councilor Devaney voted no.

C. Resolution authorizing the Acceptance of Traffic Control Equipment Easements from various property owners and execution of a conveyance of traffic signal facilities from Repton Place LLC. The Chair recognized Mr. Mee, Public Works Superintendent who spoke in support of the resolution noting that it is in line with the Pleasant Street Corridor project. Councilor Devaney moved the resolution, seconded by Councilor Sideris and adopted by voice vote.

10. UNFINISHED BUSINESS

B. Consideration and Action on a petition by RCN. Previously adopted.

10. PRESIDENT'S REPORT – none noted.

11. COMMUNICATIONS FROM THE TOWN MANAGER

A. Coolidge School – Update Tabled to October 9th. Communication will be forwarded with an executive session on this matter next meeting, prior to the council meeting.

B. Recycling Center – Update Tabled to October 9th.

The Manager asked to defer agenda item 15. an executive session, to the next meeting, prior to the 7:15 meeting time, due to the lateness of tonight's meeting.

12. REQUEST FOR INFORMATION

Councilor Kounelis stated that it was her understanding that information was to be forward to early retirees outlining FY 08 inpatient/outpatient cap program and procedures for reimbursement and asked for an update.

Councilor Kounelis asked for guidance from the Chair with respect to a previously referred item regarding insurance advisory task force and coalition bargaining that never came to fruition. The Chair stated that she should go ahead and schedule a meeting on that matter as Chair of the Personnel Committee.

Councilor Kounelis asked for guidance from the Chair on a previously referred matter regarding restructuring of the town auditor's office. The Chair stated indicated that it can be tabled.

Councilor Kounelis asked for guidance with respect to a previously referred item regarding the salary of the town auditor or council clerk. The Chair stated that it is incumbent on him to come up with an evaluation tool for the manager, auditor and clerk and that he will work on that. Councilor Kounelis noted that Councilor Donohue brought up during committee discussion as part of the clerk's compensation that her hours were increased. Councilor Donohue noted that the question of her increased hour was not resolved. The Chair stated that he will address it.

Councilor Devaney asked for an executive session on a Middle School incident.

Councilor Devaney asked how many law suits as of September 25th, are pending against the town from town employees, in particular the Police Chief.

Councilor Devaney asked for a report on deteriorating town owned buildings.

Councilor Devaney asked who opened the windows at the Coolidge School.

Councilor Donohue asked if the microphones can be adjusted.

13. ANNOUNCEMENTS – none noted.

14. PUBLIC FORUM – none noted.

15. EXECUTIVE SESSION - Tabled to October 9th.

16. ADJOURNMENT: There being no further business to come before the Town Council, Councilor Sideris moved to adjourn the meeting, seconded by Councilor Devaney and adopted by voice vote.

I hereby certify that the above minutes were adopted on October 9, 2007 by voice vote, as amended.

Clyde L. Younger Council President