

MINUTES

TOWN COUNCIL MEETING

TUESDAY, OCTOBER 9, 2007 AT 6:30 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 call of the roll were Councilors Stephen Corbett, Marilyn M. Petitto Devaney, Angeline B. Kounelis, John A. Donohue, Jonathan Hecht, Vice President Mark S. Sideris, and Council President Clyde L. Younger. Councilors Lawn and Romanelli were not present. Also present were the Town Manager Michael Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

Councilor Sideris moved to go into executive session in order to discuss real property and strategy with respect to litigation, seconded by Councilor Donohue and adopted by unanimous roll call vote.

2. EXECUTIVE SESSION – 6:30 PM

3. RETURN TO OPEN SESSION – 7:15 PM

Councilor Lawn and Romanelli were present.

4. PLEDGE OF ALLEGIANCE

5. EXAMINATION OF MINUTES: September 11th . Councilor Hecht moved to Table the minutes of September 11th, seconded by Councilor Donohue and adopted by voice vote. Councilor Devaney moved to adopt the minutes of September 25th, seconded by Councilor Sideris and adopted by voice vote.

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

Councilor Devaney spoke in support of having a bus stop at the Delta. She noted that the T has advised her that any change requires only the approval of the DPW Superintendent. She noted that an alternative for the bus stop would be in front of the bank on Main Street. She further asked that the matter be referred to the Public Works Subcommittee for further discussion and recommendation.

Councilor Sideris moved to refer the matter to Public Works subcommittee, seconded by Councilor Devaney and adopted by voice vote.

6. PUBLIC FORUM

Alex Liazos, Palfrey Street and Disability Commission member – he noted that this matter was first discussed three years ago. He noted that we are not requesting to add a bus stop but to restore the original bus stop that was there sometime ago. He stated that many complaints have been received about the bus stop. He urged that prior to the subcommittee meeting he would like to take members to the site to see what is involved.

7. PUBLIC HEARING AND VOTE:

- A. Public hearing and vote 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). Councilor Sideris moved to Suspend the Rules in order to take up agenda item 9A and 7A jointly, seconded by Councilor Devaney and adopted by voice vote.

Councilor Hecht read the Committee's report (attached) on two items, a proposed ordinance on appointments to boards and commissions. He noted that this matter has been worked on for nearly a year and will have a first reading on the ordinance later on the agenda. The second item was an ordinance proposed by Councilor Devaney on appointments with respect to a ballot question regarding the Charter. A letter from a Newton Alderman regarding this was discussed and attached to the report. A good deal of discussion took place with respect to the form of government in Newton. A number of questions were

raised and Councilor Devaney stated that she would provide additional information on the matter.

Councilor Hecht noted that the Committee would like to continue its work on the proposed ordinance and report back at a later time. Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Devaney stated that Watertown is a city whether a manager or mayor and that the voters have been disrespected.

The Chair stated that he would like the attorney to attend the subcommittee meeting to review the charter and council rules as he did not see anything in the Council Rules or Charter with respect to the need for an ordinance on this matter and would like that issue addressed.

Councilor Sideris stated that the Committee is doing their due diligence on studying and discussing this matter and spoke against a time limit on this for October 23rd.

Councilor Corbett asked that the two matters be separated out. Councilor Hecht stated that the Committee has done just that with two separate ordinances.

8. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS & EMPLOYEES:

B. Presentation of the Fiscal Year 2006 Audit Report – Scott McIntire, Melanson, Heath and Company, P.C. Councilor Sideris moved to Table the presentation, seconded by Councilor Hecht and adopted by voice vote. Mr. Tracy stated that there was a classification issue that he would like to see corrected and re-issued before moving forward with the presentation.

Councilor Sideris moved to Suspend the Rules in order to take up agenda item 10C in conjunction with 8B, seconded by Councilor Romanelli and adopted by voice vote.

Mr. Tracy asked that the Financial Statements be returned by the end of the meeting.

Councilor Sideris moved to Table 10C as well as 8B, seconded by Councilor Hecht and adopted by voice vote.

9. COMMITTEE REPORT:

A. Rules and Ordinances Committee report on a proposed Ordinance on the timing and process of appointments to Town Boards, Commissions and Committees and a proposed Ordinance regarding appointments of department heads – Jonathan Hecht, Chair.

10. MOTIONS, ORDERS AND RESOLUTIONS:

- A. First Reading on a proposed Ordinance regarding the Timing and Process of Appointments to Boards and Commissions. Councilor Hecht provided a brief overview of the proposed Ordinance. He asked that any comments that Councilors may have be forwarded prior to the vote on October 23rd. Councilor Hecht thanked his committee members, the manager and others who attended the meeting for their input. He noted that the goal was to strengthen the boards and commissions by improving the appointment process with respect to timing, predictability and transparency in the process. Councilor Romanelli moved to accept the report, seconded by Councilor Sideris and adopted by voice vote.

Councilor Romanelli asked if the Committee considered term limits on these appointments. Councilor Hecht stated that Councilor Donohue asked the committee to look into this, but the Committee decided that there was a question if that would limit the power of the town manager. He suggested taking it up as a policy issue.

Councilor Devaney stated that simply voting no on an appointment is term limits.

Councilor Corbett asked for an updated list of commissions and boards.

The Chair asked that the Administration acknowledge and respond to applicants with a letter. He also noted that applicants should not be ruled out without consideration.

Councilor Sideris suggested that the proposed ordinance can be amended prior to the vote.

Councilor Lawn thanked the subcommittee for their hard work. The Chair echoed Councilor Lawn's comments.

Councilor Kounelis also thanked her committee members. She stated for the record that she wants her vote to count. She stated that audio tapes from the Town Council meetings when the nominees were confirmed will indicate that I voted against sev of the candidates for the Planning Board and the Zoning Board of Appeals. She also stated that the nominees were invited to participate in a joint orientation meeting of the Planning Board and Zoning Board of Appeals, prior to confirmation by the Town Council.. She also noted that the name plates for the nominees were in the zoning office, already received. She stated that it was troubling as her vote didn't mean anything. She hopes that the ordinance going forward means something.

Councilor Sideris thanked the committee and manager for their hard work. He noted the many meetings it took to bring forward a correct and comfortable document the Council can work with.

Councilor Hecht moved to waive the Rule that requires first readings to go to committee as this document has been in committee and if the Council is ready for a vote at the next meeting, waiving the rule so that the ordinance can be advertised.

Mr. Reich stated that the requirement of the Charter is that it be published once subsequent to being voted.

Mr. Reich stated that he has also reviewed the document.

Councilor Hecht noted that the Council needs to give the document a once over prior to publication.

Councilor Hecht moved to waive Rule 10.1 requiring referral to committee, seconded by Councilor Sideris and adopted by unanimous roll call vote.

Councilor Hecht moved that the ordinance be sent to publication, seconded by Councilor Sideris and adopted by voice vote.

B. Resolution approving the Acceptance of Gift of Materials, Supplies, and Services from Bentley College to upgrade one locker room area and the First Aid Room at John a. Ryan Arena. The Manager introduced Dan Brother, Skating Rink Director who provided a brief overview of the Gift of Materials, Supplies and Services by Bentley College.

Work consists of construction of 26 stalls, stocking of a first aid room. They contribute approximately \$30,000 in revenue to the town using dead ice time between 12 noon and 2 PM.

Councilor Sideris moved the resolution, seconded by Councilor Devaney.

Councilor Sideris stated that Bentley had an opportunity to build the locker rooms in the past and questioned why now. He stated that this is pretty much self serving on their part as the first aid room is now an NCAA requirement. He asked if they have offered to do anything that only benefits the Town.

Mr. Brothers stated that he has had discussions with Bentley about the construction of a filming room with full access to the Town.

Councilor Kounelis asked if the Town can require Bentley to make improvements that benefit everyone.

Mr. Brothers stated that discussions have taken place.

Councilor Lawn suggested that Bentley College offer hockey clinics to Town youth.

The Manager pointed out that they are putting out monies for dead ice time and putting in improvements that the town can use and improvements to the building and look forward to initiatives they can discuss for the future.

The Chair noted that exclusive use of the facility by Bentley is not a win for the community.

Councilor Romanelli stated that having Bentley there is a win/win situation for the town.

Mr. Brothers concurred with Councilor Romanelli and stated that he will be having ongoing negotiations with Bentley on a number of issues.

Councilor Devaney agreed with Councilor Romanelli about the benefits.

Councilor Sideris asked to put a sound system at the top of the wish list.

The resolution was adopted by unanimous roll call vote.

C. Confirmation of Melanson, Heath and Company as the Independent Audit Firm for the Town's Fiscal Year 2007 Audit. Previously Tabled.

11. UNFINISHED BUSINESS

A. 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.

The Chair recognized Mr. Mee who stated that money has been secured for Pleasant Street at \$8.5 million. Also secured is a position of a bid date for fall and construction started in late summer. Mr. Mee noted that the project has been difficult with 14 meetings and the securing of 103 easements out of 110. It will be a two year construction project managed by the State.

Councilor Hecht asked how the road project will affect the Pleasant Street Corridor.

Mr. Mee stated that there is a limitation on the road width which is more apparent as you near Watertown Square. With respect to future expansion of development, the Town would have to comply with standards set forth by TIP and Mass Highway. He also noted that there will be a moratorium of any digging in the street for five years.

Mr. Mee further stated that the requirements are going to be conducive with Mix Use for Pleasant Street with pedestrian crossings, sidewalks on both sides of the street and access to the river and several traffic signals that will also serve as a traffic calming measure to some degree.

Councilor Devaney asked if ICE TEE can be reactivated.

Mr. Mee stated that the former ICE TEE has since been replaced and the dollars used now are a blend of state and federal funds.

Councilor Sideris asked what happens if the Pleasant Street is completed and new owners of the Haartz Mason property decide to rebuild at that point– how will the town address the curb cut issue.

Mr. Mee stated that a five year moratorium may be too harsh to a new development but that the will take a look at what can be done mitigate construction.

Councilor Donohue concurred with Councilor Sideris' concerns.

Mr. Mee stated that while securing 103 easements with owners along Pleasant Street, the implications of a new road project was made clear but that he will follow up with a formal letter to the owners along Pleasant Street.

Councilor Lawn inquired about a traffic signal at Rosedale and Pleasant. Mr. Mee indicated that a light will be placed there.

Councilor Kounelis asked if there are any updates on the three intersections. Though not named, the three intersections are Summer/Spring; Arlington/Nichols; and Coolidge Hill/Crawford. Mr. Mee indicated that they are on the 2010 TIP funding schedule.

Mr. Mee stated that Common Street is scheduled for 2010 TIP funding and will be considered as a connector route.

Councilor Hecht asked if Mr. Mee can look into a portion of sidewalk at the crest of Common Street where the sidewalks on the east side are impassable due to deterioration. Mr. Mee indicated that he knows the area well and he will call the private property owner and begin discussions on how that area can be improved.

Mr. Mee indicated that a Safe Route program will help him secure monies for certain improvements to school routes such as the high school, victory field, the middle school and the Hosmer School. This will help reduce the overall cost of improvements to Common Street.

The Chair asked if we going to make the Howard Street railroad bed a bike path to the Charles River as previously promised.

Mr. Mee stated that there are no plans to continue the bike path down Howard because of the difficulty of crossing Main Street. The DPW also uses the lot to store equipment. But he stated that he stands ready for whatever the Council wants to do in that area.

Councilor Devaney stated that the few homeowners that reside on Howard Street, a truck route, put up with a lot and often don't get heard, especially with respect to late night contractors that store their equipment on Howard Street.

Mr. Mee stated that he will do his best to balance the needs of the residents and town.

12. PRESIDENT'S REPORT

The Chair stated that while he is sensitive to free speech, the continued exchange of articles in the media between councilors are only providing fodder for the media and asked that it be discontinued.

The Chair asked for a motion to refer to Public Safety and Budget and Fiscal Oversight committees the budgets of fire and police to determine if they are on budget. Councilor Sideris moved the matter, seconded by Councilor Devaney and adopted by voice vote.

13. COMMUNICATIONS FROM THE TOWN MANAGER

The Manager indicated that Sasaki has asked for a special meeting for an update of Pleasant Street Corridor in early November to review recommendations of the study and to review a previous moratorium on multi-families on Pleasant Street.

Councilor Donohue moved the matter, seconded by Councilor Kounelis and adopted by voice vote. Manager noted that information will be forwarded October 22nd for the mid November meeting.

A. Coolidge School – The Manager noted that there are ongoing discussions on the matter which will continue.

B. Recycling Center – The Manager recognized Mr. Watson who stated that for a number of reasons, outlined in a previous memo, the Mt. Auburn Cemetery feels that a lease of their property to the town is not in their best interest at this time. He will look at other options. Councilor Sideris asked that Mr. Watson report back in 30 days, seconded by Councilor Devaney and adopted by voice vote.

14. REQUEST FOR INFORMATION

Councilor Kounelis asked the Manager to go back to his check list and address items he hasn't so far including an update on Stop and Shop mitigation monies.

Councilor Devaney asked for an update on suits from employees against the town. The Chair stated that this matter will be discussed in executive session.

Councilor Devaney asked what is being done to fill the position of town engineer, which has been vacant for one year. The Chair asked the Manager for a status report on this.

15. ANNOUNCEMENTS

With respect to the issue of safe routes brought up tonight, Councilor Kounelis spoke on a number of safety hazards including residents placing their trash cans along the sidewalk; over grown shrubs impeding sight line and parked vehicles extended out onto the sidewalks. She noted that this was part of a speak-out and asked that the police address these issues with the public.

Councilor Lawn announced that the Boys and Girls Club annual road race are looking for participants and sponsors.

16. PUBLIC FORUM

Mr. James Bean, Pine Street – spoke against the proposed ordinance regarding hiring of department heads. He indicated that there are privacy issues with respect to seeking employment and if adopted, might hinder good people from applying. Mr. Bean updated the Council on truck signs which were previously posted and are now deemed illegal by the State and must come down.

Alex Liazos, Palfrey Street – spoke in concern regarding the poor condition of sidewalks on Palfrey Street. He asked what ever happened to the long term planning regarding sidewalk replacement. He also indicated that on Church and Spring Streets people park their cars on the sidewalks. On the subject of appointment process, he indicated that it is his view that the Manager needs an assistant and that if you don't address the issue of why the process didn't work, the problem won't be fixed.

17. EXECUTIVE SESSION

There being no further business to come before the Town Council, Councilor Sideris moved to go into executive session at 10:10 PM to continue discussions on strategy with respect to litigation and real property, seconded by Councilor Devaney and adopted by voice vote.

It was noted that the Town Council will not return to open session following the adjournment of the executive session.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the minutes of October 9, 2007 were adopted as amended on October 23, 2007.

Clyde L. Younger, Council President