

MINUTES

TOWN COUNCIL MEETING

TUESDAY, OCTOBER 23, 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, Stephen E. Romanelli, Mark S. Sideris and Council President Clyde L. Younger. Councilor Lawn arrived shortly after the call of the roll. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk, Valerie Papas.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: September 11th and October 9th. Councilor Donohue moved the minutes of 9/11 as amended, seconded by Councilor Devaney and adopted by voice vote. Councilor Sideris moved the minutes of 10/9 as amended, seconded by Councilor Corbett and adopted by voice vote.

4. PUBLIC FORUM

1. Gordon Brown, Quirk Street – spoke in concern over the deteriorating condition of the Founder's Monument, which is now 88 years old. He forwarded pictures (attached) and a piece of the broken mortar.

2. Alex Liazos, Palfrey Street – asked that the subcommittee please schedule a meeting on the bus stop issue in the square and not let the matter drag on any longer.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 7E, seconded by Councilor Donohue and adopted by voice vote. 7E - Resolution authorizing a

transfer of funds in the amount of \$15,000 in order to move forward with a records management program. The Chair recognized John Flynn, Town Clerk who stated that the proposed transfer of \$15,000 will pay for the physical on-sight inventory and recommendation/report for each department with respect to their records. Mr. Lindsay Eisan, King Information Systems, Inc., stated that their records management program will thoroughly survey and analyze various records from each designated department and formulate specific recommendations for that department. After a recommendation is reached, Mr. Eisan noted that his company will then implement a records management plan utilizing various methods of record keeping including microfilm, storage, fireproof containers, etc.

Councilor Corbett spoke in support of the project noting its importance.

Councilor Kounelis asked if the \$15,000 includes the hands on process. Mr. Eisan stated that the \$15,000 is for the consultation fee for recommendations and a detailed report.

Councilor Hecht asked if space needs will be addressed. Mr. Eisan stated that space and labor efficiencies will be included in the process. He noted that many municipalities can reduce storage space by 40% without even using microfilm.

Councilor Devaney spoke in support of the program and asked if other communities are similar to Watertown with respect to a lack of space or centralized records. Mr. Eisan stated that there is no one model but that the Town of Hopkinton has one central depository, excluding police and school.

Councilor Lawn asked if the analysis will include the school department. Mr. Eisan stated that whatever department is made available to his company, will be included.

Councilor Sideris moved to approve the transfer of \$15,000, seconded by Councilor Donohue and adopted by unanimous roll call vote.

5. PUBLIC HEARING AND VOTE:

- A. Public hearing and vote on a proposed Ordinance regarding the Timing and Process of Appointments to Town Boards, Commissions and Committees.

The Chair recognized Councilor Hecht who provided a brief overview of the proposed ordinance noting the objective of a more open and clear process with stated requirements for interviews and confirmations of appointments.

The Manager applauded the Council for their work and noted that he is looking forward to the changes which include a more spread out appointment process.

The Chair opened up the hearing to the public.

Alex Liazos, Palfrey Street – asked if the ordinance addresses what happens if this process isn't followed.

Pat Gold, Duff Street – asked what commissions do not require Council confirmation.

There was a discussion of 6 boards that do not require Council confirmation.

Councilor Corbett stated that they do have an impact on policy and therefore should be included for Council confirmation.

Attorney Reich stated that language can be included in the ordinance requiring all appointees be confirmed by the Town Council.

Councilor Hecht noted that the Committee did consider that question, but their immediate objective was to improve the process of appointments and suggested that the matter of the other 6 boards be referred to the Rules and Ordinances Committee for further deliberation.

The Chair spoke in favor of an all inclusive approach to the matter and a roll over provision.

Attorney Reich provided a brief overview of legal provisions regarding removal of appointees with respect to Mass General Laws and roll over provisions versus serving at will.

Councilor Devaney stated that she concurred with Mr. Liazos with respect to the enforcement issue.

The Chair stated that once the ordinance is voted, there will be clear expectations and the Manager will move posthaste with the expired members.

With respect to comments on enforcement, Councilor Hecht noted that is true that there are no fines or penalties but that the objective was to set up a practical arrangement for an open, timely process. He lastly noted that the transparency aspect is the key to solving this problem and if the process is not followed, it is going to be really obvious.

Councilor Kounelis encouraged the public to attend committee meetings and to participate as their input is needed and noted that the council will continue to make its documents better.

Councilor Lawn noted that this Ordinance will hold the Manager accountable and is a realistic document.

Councilor Sideris moved the ordinance as proposed, seconded by Councilor Devaney and adopted by unanimous roll call vote.

Councilor Sideris moved to refer the remaining 6 boards to the Committee of Rules and Ordinances for further deliberation, seconded by Councilor Donohue and adopted by voice vote.

Councilor Sideris moved to abolish the now defunct Cable Advisory Television Committee, seconded by Councilor Hecht and adopted by voice vote.

6. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS &

EMPLOYEES:

A. Presentation of the Fiscal Year 2006 Audit Report – Scott McIntire, Melanson,

Heath and Company, P.C. The Chair recognized Mr. Scott McIntire who stated that additional time was required to reconcile key accounts and though it took longer than he would have liked, all records were reconciled. Mr. McIntire reviewed the documents entitled Financial Statements and Annual Statements for Fiscal Year ending June 30, 2006 (attached). Following his presentation, the Chair opened up the matter for Council comments.

Councilor Kounelis asked the Auditor, referring to his May 9, 2006 letter, specifically items 9, 10, 11, have they been addressed, she noted that they were repeated again but in different numerical order.

Mr. Tracy stated that in reference to #9 some administrative policies have been sent out and others will be sent out; as for items #10 & #11 they are still outstanding and will be addressed in order to get them off the Management Letter.

Councilor Sideris spoke in support of establishing written policies in the Management Letter with a report back in December, seconded by Councilor Devaney and adopted by voice vote.

Councilor Corbett asked why the net increase for school construction monies from the State stays on the books. Mr. McIntire stated that it is not revenue but a liability, once the school is constructed, monies go out the door thus creating a capital access; however once receive the money from the Commonwealth is a revenue but no corresponding expense in the fiscal year so it takes about 40 years to fully recognize the expenditure.

The Manager stated that we are not sitting on 32 million dollars in cash. Mr. McIntire concurred.

The Chair thanked Mr. McIntire for his presentation.

7. MOTIONS, ORDERS AND RESOLUTIONS:

A. Confirmation of Melanson, Heath and Company as the Independent Audit Firm

for the Town's Fiscal Year 2007 Audit. The Town Auditor requested and recommended the confirmation of Melanson and Heath to get closer to bringing the audit reports to where it should be with respect to timing. Mr. Tracy noted that for year 2008, 2009 and 2010 an RFP will be issued and the Council will vote each of the fiscal years for the audit firm. Councilor Sideris moved to confirm Melanson and Heath for the Fiscal Year 2007 audit, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Hecht asked Mr. Tracy who makes up the Audit Committee. Mr. Tracy stated that the Audit Committee is made up of the Council President, Town Manager, Town Auditor, the Treasurer/Collector and School Business Director.

Councilor Hecht stated that it strikes him a little funny that the folks who are being audited get to choose the audit firm and there ought to be some discussion about that.

The Auditor noted that the Committee does not select the firm, only makes a recommendation and that the Audit Committee reviews the draft and addresses the recommendations in the management letter, primarily.

Councilor Hecht stated that the Audit Committee should not be making the recommendation on the audit firm even from the view point of appearances and he would like to have more discussion on the matter down the road and to consider having more outside people involved.

Councilor Devaney stated that the audit firm should be changed periodically so that there is not that familiarity there but also the Council has the opportunity to vote on the confirmation and can even recommend that other firms be looked into.

The Chair echoed the comments of the Auditor and indicated that the Council will play an integral part in the Fiscal Years 2008, 2009, 2010 audits and that we are on the right track.

B. Acceptance of Proclamation recognizing Italian Heritage Month. The Chair recognized Councilor Devaney who stated that it was Governor Cellucci who established October as Italian Heritage month. She asked that this be approved with some changes and that Sons of Italy officials will be here to accept the proclamation at our next meeting. The matter was moved by Councilor Sideris, seconded by Councilor Hecht and adopted by voice vote.

C. First Reading on a Proposed Amendment to the Fiscal Year 2008 Budget. The Chair recognized the Town Manager who provided a brief overview of the proposed amendment to the budget based on Cherry Sheet estimates receipts and charges, new growth and payment of lieu of taxes. The Amendment will be advertised in the local newspaper for a public hearing and vote on November 13th.

D. First Reading on a Proposed Amendment to the Fiscal Year 2008 Water

Enterprise Budget. The Chair recognized the Town Manager who provided a brief overview of the proposed amendment to the enterprise budget noting that the actual consumption level was below 119,000,000 being the lowest amount in ten years and therefore a shortfall has occurred and necessitates an amendment to the budget. The amendment will be advertised for a public hearing and vote on November 13th.

E. Resolution authorizing a transfer of funds in the amount of \$15,000 in order to

move forward with a Records Management Program. Previously voted.

8. PRESIDENT'S REPORT – none noted.

9. COMMUNICATIONS FROM THE TOWN MANAGER

1. Free flu clinic – Friday October 26th at 55 Waverley Avenue and Wednesday November 28th at the Senior Center 9-11am.

2. Household Hazardous Waste, November 3rd, pre-registration required.

3. Wells Avenue, DPW Rules and Regulations – request for referral to Council's subcommittee on Public Works. So moved by Councilor Sideris, seconded by Councilor Devaney and adopted by voice vote.

4. The Manager stated that an agreement has been reached with the Watertown Police Association which is consistent with the other groups. The Manager noted that he will be petitioning the Joint Labor committee to provide a stipulation award with respect to the retroactive portion of the agreement.

The Chair called a five-minute recess.

A. Presentation of the Fiscal Year 2009 Preliminary Budget Overview. The Chair recognized the Town Manager who provided a power point presentation of the Fiscal Year 2009 Preliminary Budget Overview (attached). Following the in-depth presentation, the Chair thanked the Manager for his presentation.

10. REQUEST FOR INFORMATION

Councilor Kounelis stated that she previously asked for an update on the Shop and Stop mitigation monies, this has been going on since April. She noted that many residents have told her that they are appreciative of her following through and asking the questions – but she noted that she does not always get the answers. She stated that it would be so much easier if her questions were anticipated and she just got the answers. She noted that she had a second response from Attorney Reich. She stated that she specifically asked who within Watertown’s administration knew the whereabouts of the Stop & Shop mitigation monies. She noted that the Attorney stated that they were in a separate account but does not say what account. She noted the interest was only 2.5% a year. If the money were in house, she asked, what kind of money would have been generated in 14 years. It’s not her money, she noted, nor the administration money but the tax payers money. She still wants the answers, she stated. Kopelman & Paige is audited internally, where is the paper work, she asked. She still expects the answers and will not let it go until the citizens of Watertown have the answers, she stated.

Elm Street, this goes back to correspondence of July the 31st, Councilor Kounelis noted. Councilor Kounelis stated that she and Mr. Driscoll had a side bar conversation on the “Cadillac” improvements to the drain pipe. Why is it going to cost this much money and can we afford this cost, and what can we do to offset the cost and allow the funds to be used in other ways, she asked. That was never answered, she asked why are we spending this kind of money \$330,000 aren’t there other avenues to pursue to get the same results.

And what about Elm Street, when will it happen and will it happen. Initially, she stated it was at a cost of \$250,000 and now it is up to \$500,000. She noted that she does not understand how it went from one amount to another.

The Cap program, we do not have an up date on that she stated. Department audits, we have not had an update on those. People have asked her about security at town hall after hours, when meetings are taking place and the doors are left open. She asked should we be considering leaving one door open and using a buzzer system or what else can we do to secure the town hall when people are in here at late hours.

Mr. Gerald S. Mee, Jr., took the podium and stated that with respect to Elm Street, a figure of \$450,000 came in for the complete reconstruction. He noted that he does recommend the overlay for a little less than \$86,000 and he is moving forward with that. Mr. Mee stated that as time is running out, he would recommend a start date of day one of the Spring and put out another road contract bid and add Elm Street to that road contract instead of having a limited contract with just the one street.

With respect to Target paying for the drain pipe underneath their building, this was a one time option, they were renovating their building and this opportunity would never have come up for any other reason unless the building was torn down. Mr. Mee stated that none of this work is being paid for with town dollars and correct, funds could be used in other areas, but it is his belief that the best place for these funds to be used is in that drain system because the under part of this infrastructure is unseen, unknown and no one wants to realize what is underneath. He noted that the monies being paid for by Target for addressing our drainage flow for the entire east end of Watertown is the best use of these monies.

The Chair asked that the intersection of Spring and Summer Street Island be addressed with perhaps grass, small bushes to enhance that area. Mr. Mee concurred and stated that it is being addressed.

Councilor Kounelis paraphrased her comments from a previous meeting regarding the expansion of the Watertown Mall and stated that she asked the administration to engage Target in discussions for improving Elm Street. She noted that Target has deep pockets and deeper than Watertown and that was the charge from a councilor and that no one listened.

The Town Manager addressing the Council President stated, "enough is enough".

The Chair stated "all of us, let's be civil and not have the side editorial comments. If there are statements that you take exception to, fine, but otherwise let's just report".

The Town Manager stated that with respect to the Target issue or any issue involving development in this community and in the years he has served, he stated that he has assigned the Superintendent of Public Works, charging him with talking to the Beacon Properties people, the Target people, and have faith in him to determine what he feels is in the best interest of the community. He noted that one councilor wanted Elm Street and he never in all his years would call up the Superintendent and say do this or do that, because he relies on the Superintendent to do the work and puts that kind of faith in him. He noted that he supports the Superintendent's decision in getting the monies to get the drain system work done. The Manager stated that he apologizes for the comment earlier about, "enough is enough", and noted that we are all working together.

The Chair noted that the Superintendent has not ruled out doing Elm Street as he just stated in regards to starting the work in the spring.

Councilor Kounelis stated "if I may, I want to thank the Town Manager for his eloquence". She then departed the meeting.

12. ANNOUNCEMENTS

Councilor Devaney announced that she will have a meeting of Public Works on November 7th at 5:30 for a number of items to be discussed such as Wells Avenue meters, storm waters, review of regulations for the DPW, the bus stop for the Delta and have the Superintendent to attend the meeting.

13. PUBLIC FORUM – none noted.

14. EXECUTIVE SESSION - due to the lateness of the hour, 11:30 pm, Councilor Sideris stated that the executive session should not take place this evening and should be rescheduled for another night noting that making decisions at 11:30 pm is not in the best interest of the community.

The Chair asked for a motion to adjourn at 11:30 pm. It was moved by Councilor Sideris, seconded by Councilor Lawn and adopted by voice vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present the above minutes were adopted by voice vote, as written, on November 13, 2007.

Clyde L. Younger, Council President