

MINUTES

TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 27, 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 6:15 pm, in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen Corbett, John A. Donohue, Jonathan Hecht, Angeline B. Kounelis, Vice President Mark Sideris and Council President Clyde L. Younger. Councilors Lawn, Romanelli, Devaney were absent.

2. EXECUTIVE SESSION – 6:15 PM

Councilor Sideris moved to go into executive session for the purpose of discussing strategy with respect to the taking or leasing of real property and that the Council will return to open session following the adjournment of the executive session, seconded by Councilor Donohue and adopted by unanimous vote.

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

4. PLEDGE OF ALLEGIANCE

5. EXAMINATION OF MINUTES: November 13<sup>th</sup>. Councilor Sideris moved to accept the minutes of November 13<sup>th</sup>, seconded by Councilor Donohue and adopted by voice vote.

6. PUBLIC FORUM – none noted.

7. PUBLIC HEARINGS AND VOTES:

A. Public hearing and vote on a proposed Order allocating the property tax levy among

and between property classes for Fiscal Year 2008.

- B. Public hearing and vote on a proposed Order setting optional tax exemptions for Fiscal Year 2008.

The Chair recognized Mr. Daniel Loughlin, Town Assessor who provided a lengthy power point presentation regarding the proposed property tax levy for Fiscal Year 2008. The tax levy will be for the time period of July 1, 2007 thru June 30, 2008. Mr. Loughlin explained how the tax levy is calculated; last year's levy multiplied by 2.5% increase plus debt service and new growth; divided by all real and personal property. Tax rate for fiscal year 2008 is proposed at \$12.01 per thousand. Mr. Loughlin also explained the tax shift to commercial properties which is recommended to stay at 175%.

Given this proposed shift, the residential property rate is reduced to \$11.39 and the commercial rate increased to \$21.01. An overview was provided with respect to residential tax exemptions currently recommended to stay at 20% for qualifying home owners.

The Chair opened up the hearings to the public and recognized:

1. Margaret Cassidy, Prentiss Street – stated that the 20% exemption is based on an average assessment given across the board to all those who qualify and is not based on a 20% exemption of personal assessments.

There being no further comments from the public, the Chair closed the hearing.

Councilor Corbett asked if there is any limit to debt service. The Manager stated that the debt service is only for 1<sup>st</sup> phase of school debt construction and related school reimbursements. He noted that the dollar amount of principle and interest is \$1.7 million and reimbursement from State of \$982,000.

Councilor Devaney thanked Mr. Loughlin and Board of Assessors for their work. She further stated that if the business base is not built up taxes will continue to rise.

Councilor Kounelis asked what would be the penalty if the Council chose to increase the shift to 176%.

Mr. Loughlin stated that if the Council voted the 176% ceiling the town would have a one year penalty and be permanently capped at 170% starting in fiscal year 2009 with a higher increase to residential tax payers.

Councilor Sideris moved to approve the tax levy and recommended 175% shift with 20% residential exemption, seconded by Councilor Lawn and adopted by unanimous roll call vote.

The Manager provided an initial and brief overview of the statutory exemptions.

Councilor Kounelis stated that she will recuse herself from participation.

The Chair recognized Mr. Loughlin who explained the proposed exemptions, including a newly adopted exemption known as the Merit Bill. Mr. Loughlin also reviewed Clause 41C exemptions and noted that the Town will pay out approximately \$264,000 in exemption to those who qualify, with reimbursement from the State in the amount of approximately \$122,000 with a net spending for the Town of on or about \$142,000. He lastly noted that the number of applicants for elderly and veteran exemptions are on the decline, with only 70 people qualifying last year.

Councilor Devaney stated that the exemptions help people and it is a shame that the Council didn't pass 41C ½ which would help more people. She noted that it is her hope to get 41C1/2 on the ballot this coming election.

Councilor Sideris moved to approve the tax levy among or between property classes, seconded by Councilor Donohue and adopted by unanimous roll call vote, with Councilor Kounelis recusing herself.

B8. INFORMATIONAL PRESENTATION ON PETITIONS AND SIMILAR

PAPERS:

- A. A Request for Considering the Honorable Town Council go paperless – Councilor John A. Donohue.

The Chair recognized Councilor Donohue who spoke in support of going toward a paperless process which will include the introduction of lap top computers to each councilor. This effort, he noted will enhance security of sensitive documents, with the creation of PDF files and discontinue the practice of having the police department deliver agenda packets and other documents to the homes of councilors each week. Councilor Donohue stated that the Town in the long run will save thousands of dollars in the reduction of paper, ink, staff time, etc and will at the same time give councilors the ability to store vast amounts of documents on their lap tops with easy accessibility. Lastly, the paperless process will allow for last minute agenda items and better dissemination of subcommittee meeting information. Councilor Donohue reviewed the various Council expense accounts with available funds and indicated that he would anticipate a start date of January/February with hard copies initially available to councilors while possible kinks are being worked out.

Councilor Donohue recommended that the Council vote that an Ad Hoc Committee be established to assist with this project with a start date of January/February, seconded by Councilor Romanelli.

Councilor Sideris asked for a legal opinion on the Council going paperless under Mass General Law.

Attorney Reich stated that it is important to recognize that under Mass General Law and the Open Meeting Law any emails or documents received or created by an employee constitutes a public record to be kept in some manner. An original document needs to maintain in the Town Clerk's Office as well as any email to and from a Councilor which needs to be

preserved in the same manner. Attorney Reich noted that an automatic copy of any documents from these lap top be sent to the Clerk's Office as a central depository.

Lastly, Attorney Reich noted that Councilor must be mindful that no deliberation by email can take place.

Councilor Devaney questioned the purchase of 9 lap tops and noted that she picks up her own packets from the Town Hall.

The Chair noted that he has his own lap top and does not need an additional one.

Councilor Devaney stated that Councilors need to be careful of serial calling thru various methods of technology which can be abused and noted that she does not have a computer at home.

Councilor Kounelis stated that the reams of paperwork is her problem and that she would want to have the paperwork in front of her at meetings and that the onus with lap tops is on the Councilor to generate the paperwork. She indicated that she does not receive the \$300 stipend and stated that she does her own work from home and doesn't pass the expense to citizens. She noted that she owns two computers and two printers and that this puts the onus on her to print out the documents. She also noted that the police aren't catering to Councilors by delivering their packets, as it is part of their community policing. She lastly stated that she does not think that this would work for the Council at this time and indicated that the Council would have obsolete computers down the road and noted that her constituents want her to be do something more than administration work, and at this point in time it will take up more of her time. She noted union employees and department heads want what is best for them and that she has to start thinking of herself and is therefore speaking out against this at this time.

Councilor Lawn stated that he could not respectfully disagree more with the previous two statements and pointed toward the waste of stacks of paper and his support of every councilor having the option of this paperless technology. He indicated that to have to go back in time and find hard copies of paperwork is very difficult as opposed to the availability of having the document right there in front of you on your lap time saving time and money. Councilor Lawn respectfully noted his disagreed with accusations of serial phone calling by councilors as baseless and applauded Councilor Donohue's efforts in this project.

Councilor Sideris concurred with Councilor Lawn pointing to the reams of paperwork regarding the Coolidge School lease document. He noted that the Town paid the attorney's

firm to produce this paperwork. Councilor Sideris indicated that he applauds the effort for taking one more step into the future and saving the taxpayers money in paper, printing, deliveries, etc.

Councilor Corbett agreed with Councilor Sideris in making that step into the 21<sup>st</sup> century with the available technology and asked if we are being cautious of possible glitches on the operational side in making this happen.

The Manager noted that nothing formal has occurred to date but that Councilor Donohue has met with the Town's IT department and is looking to establish an ad hoc group to assist with this effort by December 11<sup>th</sup>.

Susan Falkoff, Oliver Street – sees pros and cons and would still like to have documents delivered to her. She spoke in support of duplexing documents and recycling paper.

Councilor Romanelli spoke in support of going paperless and asked if other towns are doing this.

Attorney Reich stated that he is not aware of a complete paperless effort in any town, but that towns are moving more and more toward computer driven communications.

The Chair spoke in support of this effort and noted the advantage of computer file folders and having a hard copy for those who want it. He spoke in concern with lap tops in front of councilors during meetings.

Grace Gulezian, Carol Street – asked if taxpayers will be paying for councilors' use of the internet. She also spoke in support of using both sides of paper and reusing paper.

The Chair stated that most councilors are already connected to the internet via their personal home computers home.

Councilor Donohue moved the concept of going paperless and the establishment of an ad hoc group, seconded by Councilor Sideris and adopted by 7-2 vote with Councilors Kounelis and Devaney voting against.

Councilor Devaney moved a late agenda item regarding a proposed Anti Defamation League proclamation. Councilor Devaney provided a brief overview as a follow up to an adopted ADL proclamation introduced in August as it relates to the Mass Municipal Association. She read the proposed proclamation asking that the MMA sever their ties with the ADL.

Grace Gulezian, Carol Street – spoke in support of the proclamation. She noted that the adopted proclamation in August put the Town Council on the map world wide.

Councilor Hecht stated that as a member of the MMA Board he has been monitoring this situation closely and cares a great deal about this matter. He indicated that the New England region of the Anti Defamation League broke with the national organization and in September, the MMA stated that they wanted the national ADL to fall in line with the regional ADL and was awaited word of the request following their November national conference. Councilor Hecht stated that the matter was then referred for re-evaluation to the MMA subcommittee for further recommendation. The MMA board is planning on re-evaluating its relationship with the ADL and thinks it is entirely appropriate that Watertown weigh in on this directly to the MMA on the national ADL's failures in this regard. Councilor Hecht requested time to look at the proposed proclamation, digest it and if the Council wishes to make changes.

Councilor Donohue moved the Previous Question, seconded by Councilor Sideris. It was noted by Attorney Reich, that if adopted, the motion would cut off debate. Upon a roll call vote of 4-4-0, the motion failed.

Councilor Hecht moved to postpone this matter for two weeks, seconded by Councilor Donohue and adopted by a roll call vote of 7for, 2 against with Councilors Devaney and Kounelis voting against.

Councilor Devaney moved to bring forward a late agenda item regarding the Town Manager's appointments, seconded by Councilor Romanelli and defeated by a roll call vote of 3 for and 5 against, with Councilors Devaney, Lawn and Kounelis voting in the affirmative and Councilors Hecht, Corbett, Sideris, Romanelli Donohue voting against.

## 9. MOTIONS, ORDERS AND RESOLUTIONS:

### A. Vote to approve for homeowners' benefits to place on Ballot for Council approval,

Clause 41C ½. – sponsored by Marilyn M. Petitto Devaney. Councilor Devaney provided an overview of Clause 41C ½ which was referred to the Committee of Budget and Fiscal Affairs. She noted that a vote tonight would allow this to be placed on the Ballot for citizens input regarding a property tax exemption and then back to the Town Council for debate. It will allow property homeowner to qualify for tax exemptions based on their income with the elimination of the asset test.

Attorney Reich stated that the Ballot Question if passed would allow the Council to increase the exemption up to 20%. Once passed by ballot vote, it is an automatic 5% threshold.

Councilor Romanelli asked if any town in Massachusetts has accepted this statute. Town Assessor Loughlin indicated that the town of Montague has adopted this by ballot vote.

The Chair asked where the monies would come from if passed by ballot.

Mr. Loughlin indicated, it would come out of the Overlay Account, starting out at the minimum of 5%; it would cost the town \$250,0000 from Overlay monies; 10% 500,000 and so on.

The Manager agreed and stated that it is a budget issue with no revenue source or shift. He further indicated that a Home Rule Petition would be necessary.

Councilor Hecht clarified, if the Clause goes to the ballot and is adopted, it then replaces the current 41C Clause and the only issue for the Council at that point is whether to adjust the minimum 5% from there.

Attorney Reich concurred.

Mr. Loughlin stated that based on last years applicants, there would be a minimum of 750 people who qualify.

Councilor Kounelis spoke against the elimination of the asset test stating that there are many whose income is below the required amount but have considerable assets.

Councilor Lawn stated that this may have serous financial impacts to other taxpayers and he would want to have more debate on the matter and moved to have it referred back to subcommittee.

Councilor Corbett concurred and noted that the money has to come from somewhere and would also like to have more discussion at the committee level on the matter.

Councilor Devaney stated that it has been in committee since February and they never met on the matter.

The Chair stated that no voted is needed as it is in subcommittee and can be expedited from there.

Councilor Romanelli asked that the committee meet on this matter before the December meeting.

B. Consideration and Vote on a proposed lease of the Former Coolidge School.

The Chair recognized the Manager who provided a lengthy overview and background of the Coolidge School Reuse Committee's recommendation on the reuse of the former Coolidge

School; the resulting proposed Mitchell Properties project; and the proposed Coolidge School Lease. The Manager noted that the project includes a 38 unit housing for age 55+; 15 affordable units; 23 market rate units; 22 two bedroom units; 16 one bedroom units.

Attorney Reich stated that the revisions to the lease were made with respect to age 55 eligibility and is in accordance with the Council's directive at its last meeting.

Councilor Kounelis stated that she has been involved in this project since day one. She spear headed a petition signed by 419 residents of the east end and that the petition is a far cry from what is before the Council tonight. She holds the Town Manager completely responsible for this lease and hopes that he did his homework. Over a year ago she set forth a proforma which indicates that there is no room for error. She indicated that she is not against affordable housing. This development was supposed to assist the community in generating dollars. She hopes it is a win/win for the community but she doesn't think so. She was supported on a number of issues by the Town Council in executive session discussions and asked if she could talk publicly on the matter.

Attorney Reich indicated that a vote by the Council would be needed to release the matter from executive session.

Councilor Hecht moved to take the matter regarding the Coolidge School Lease out of executive session, seconded by Councilor Sideris and adopted by voice vote.

Councilor Kounelis indicated that a clause was inserted in the lease saying that if the developer cannot lease the units, 20% could be leased outside of the age restriction. She stated that she asked for a change in that and it was supported by the Council. She stated that the developer omitted a clause which stated that if the lease is renegotiated after 50 years, the developer would owe the town \$300,000. She stated that she is disappointed with the developer. A construction date of August 07 was to commence but has not. Without permits, the developer dug trenches, lights were left on, windows were left open and this was unprofessional for a developer. She noted that we wanted elderly housing, assisted living or a school and this is neither of those things and she will not support it.

Councilor Hecht stated that he is glad to see this finally done. He stated that he expects that a lot of people will find something in this project to criticize. Some people wanted to maximize revenue pure and simple, some people wanted more affordable units, some people wanted less affordable units, and there were some people who wanted more family housing. Councilor Hecht indicated that in his view, the Council has done a good job in

reaching a reasonable compromise among these various goals and that the Manager has done a good job in taking the Council's directives and incorporating them into this lease.

Councilor Corbett likewise stated that he will support it as he has done all along. He noted that the project is not identical to the Reuse Committee's vision, but is consistent with their goals and objectives. He noted that it meets an important need in both senior and affordable housing and the town is assured base rent and income and he does not feel that there is a great deal of risk on the town's part but more of a risk if we do nothing.

Margaret Cassidy, 22 Prentiss Street – stated that she would have like to see the contract before it came out to the public. Since she has not viewed the document, she cannot comment on it and only hopes that the Council knew what they were doing and examined the contract thoroughly. She noted her concern that there has been no citizen involvement and if it turns out to be a fiasco, shame on you.

Joan Krause, Oliver Street – stated that she was on the Coolidge Reuse Committee and voted against the proposal because she wanted more family housing. She noted that she has since had much discussion with the developer with some give and take and feedback on energy efficiency matters and asks that the Council vote on this matter, allowing it to go forward.

Councilor Sideris noted all the work that has gone into the document, stating that the Council did the best they could in negotiating the lease. After give and take and much debate he supports the document.

Councilor Devaney stated that this development did not go the way she had hoped and that unfortunately you can't go back. She will hold the administration accountable that Watertown residents be given preference. She will vote in support of it half heartedly.

The Chair stated that he will vote against the lease. He noted that it is a compromise between those who wanted revenue, those who wanted housing, those who wanted more of a mix, but comparing various leases he has worked on in his private business, this lease is not the best business deal for Watertown. The Chair indicated that if you look at it in terms of the lease itself, it leaves a lot to be desired.

Upon a roll call vote, the lease was adopted by a vote of 6-2-1, with Councilor Kounelis and President Younger voting against and Devaney voting Present.

Councilor Donohue moved to Suspend the Rules in order to take up the remaining agenda items past the 10:30 pm deadline, seconded by Councilor Sideris and adopted by voice vote.

10. PRESIDENT'S REPORT – none noted.

11. COMMUNICATIONS FROM THE TOWN MANAGER

1. Upcoming Flu Shots schedule 11/28 Senior Center; 11/30 Hellenic Ctr; 12/4 Town Hall.

2. Curbside Recycling 12/7 last pick up.

12. REQUEST FOR INFORMATION

Councilor Kounelis made the following request for information:

1. Who in the administration knew the whereabouts of the mitigation monies regarding Stop & Shop, still unanswered as to who in the "current" administration knew.

2. The opening of the windows of the Coolidge School, still unanswered.

3. The drainage pipe for Target mitigation monies, the disposition of the matter is not her understanding of previous conversations.

4. With respect to Kopelman & Paige holding monies in escrow, the community has the right to know all the details of the monies held, bank account numbers, etc. She noted that her dissatisfaction with manager on this matter will be so noted on his evaluation. As time allows, the material will be forwarded to the Mass Board of Bar Overseers, she stated.

5. The quarterly water bill program update, Wells Avenue survey, the cap program, department audits, security at the town hall after hours, these are all still pending.

### 13. ANNOUNCEMENTS

Councilor Devaney made the following announcement:

"As a point of personal privilege I have a written statement concerning past practice of recognizing members leaving the Council after their tenure. I request that this statement be typed into the minutes at this time, in this part of this meeting –not as an attachment.

Mr. President as past practice, members leaving the Town Council after their tenure, are given a proclamation, some token of appreciation which, in this case would be presented next meeting. In memory of my husband Jack Devaney and for my personal respect for him I give notice to you this evening that I will not accept any token of appreciation from the Town Council –not in writing –or in words. Please allow me to give my reasons. In addition, I respectfully ask that no comments in response be made by you or a councillor to my statement. Please allow me that privilege. My husband served this community for 32 years as a firefighter, saved people, was there for his fellow firefighters and truly was a hero. But in addition to what he did on duty – he did more for people than I have ever done or could ever hope to do. He went far beyond his duties by just naturally performing so many kind acts that to this day people are still telling me about. –He did it all in a quiet unassuming way and with all his efforts – in an anonymous way. I remember when he had fought a fire all night long into the morning with the temperature below zero with the wind factor. He came home in the morning looking for a pick and then disappeared for more than five hours. When he returned, I asked him where he went and why he needed a pick. Jack told me at that outside the house that was completely lost by the fire; he noticed many photos under the ice – old pictures, pictures of grandparents, baby pictures, and wedding pictures. He said they would be lost forever and could never be replaced. What he did was - meticulously pick through the ice for hours retrieving every one of those photos and brought them to the fire station without bringing any attention to himself. They were later returned to the owners through the Fire Department. Those people will never know the labor it took in the freezing temperature to retrieve them – they will never know who that kind anonymous person was. Just two more examples -Every morning when he was off duty- he went to the home of a young girl who was stricken with a crippling disease, who was in a heavy complete body cast. – and he would carry her down the stairs from her bedroom- When he was off duty, he would visit a young man suffering from cancer – his mother told me sometimes Jack would just drop books off for her son. She told me this story at Jack's wake. She never forgot although it was many years after her son died. I will never know how many lives he touched.

What is the point of this statement? It is that the Town Council recognizes all retiring employees, presenting them with proclamations and with additional words of praise. My husband was not among them. When Jack retired he never received any recognition-written or verbally from the Town Council for his 32 years of dedicated service. You know what, to be perfectly honest, I know without a shadow of a doubt, Jack wouldn't have wanted it – it was not his thing. I know I would have had to bring the proclamation home! The important thing is that Jack was so respected and loved not only by his men but by everyone who knew him. So again, I am giving notice tonight, with personal respect to my husband, I will not accept a proclamation or any recognition at the next meeting from the Town Council in any form- written or verbally - for my tenure. I ask you Mr. President to respect my request. I could not hold a candle to all that my husband did for the people of Watertown."

14. PUBLIC FORUM – none noted.

15. ADJOURNMENT: Councilor Sideris moved to go into executive session at 11:15 pm, in order to continue previous discussion with respect to strategy regarding real property and litigation, seconded by Councilor Romanelli 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 minutes of November 27, 2007 were adopted, as amended, on December 11, 2007 by voice vote.

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Clyde L. Younger, Council President