

## **MINUTES**

### **TOWN COUNCIL MEETING**

**TUESDAY, JANUARY 8, 2008 AT 6:30 PM**

**RICHARD E. MASTRANGELO CHAMBER**

**ADMINISTRATION BUILDING**

**1. ROLL CALL:** A regular meeting was called to order at 6:30 PM in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen Corbett, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich, and Council Clerk, Valerie Papas. Councilor Devaney arrived after the call of the roll.

Councilor Sideris moved to go into executive session at 6:30 pm in order to discuss strategy with respect to litigation and that the Council will return to open session at 7:15 pm, seconded by Councilor Hecht and adopted by unanimous roll call vote.

**2. EXECUTIVE SESSION – 6:30 PM**

**3. RETURN TO OPEN SESSION – 7:15 PM**

**4. PLEDGE OF ALLEGIANCE**

**5. ORGANIZATION:**

A. Election of a Vice President: Councilor Lawn nominated, Councilor Sideris as Vice President; seconded by Councilor Hecht and adopted by unanimous voice vote.

B. Selection of seating assignments

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 9A. President's Reports, seconded by Councilor Hecht and adopted by voice vote.

The Chair thanked all those involved in the planning of the 2008 Inaugural Ceremony.

The Chair read an invitation from the School Committee (attached) inviting all interested parties to attend a Community Planning Group meeting.

The Chair indicated that the 2008 Committee Assignments will be announced on January 22<sup>nd</sup>, with a one-year term given to all assignments.

The Chair stated that an investigation will be conducted regarding the recent electoral process, commencing after February 18<sup>th</sup>.

Councilor Hecht moved to act quickly and seek advice of legal council on how the Council will proceed with its investigation, seconded by Councilor Sideris. Councilor Falkoff concurred and stated that getting a timely start is critical. Adopted by voice vote.

Councilor Hecht moved that the Council will voice support of steps that the Town Manager, Town Clerk, or Election Officials will initiate with respect to training sessions for the town's election staff in order to bolster the confidence of our electoral system as the February 5<sup>th</sup> primary approaches, seconded by Councilor Lawn.

Councilor Kounelis noted that two years ago the Secretary of State assisted with training for election officials, which she believed took place in-house.

Councilor Sideris moved a friendly amendment requiring anyone assisting with the February 5<sup>th</sup> primary be required to attend a training session, seconded by Councilor Hecht.

Adopted by voice vote, as amended.

The Chair asked that the Council adopt items C&D as temporary rules and refer them to Rules and Ordinances for further study and recommendation, especially as it relates to agenda item D - resolutions and proclamations.

C. Adoption of current Rules of the Town Council as temporary Rules of the Town

Council. Councilor Sideris moved to adopt the current rules as temporary rules, seconded by Councilor Falkoff and adopted by voice vote.

D. Adoption of prior resolution authorizing issuance of proclamations. Councilor Sideris moved to refer issue of resolutions and proclamations to the Rules and Ordinances Committee and suggested that Councilors forward any comments or changes to the Committee for consideration.

Councilor Devaney thanked the Chair for bring this up and in a prior discussion with him on the previously presented ADL proclamation, she noted that it was agreed that she followed past practice, and that all was in order, and that she takes this as an apology, which she accepts.

Upon further questions and discussion on the referral of the subject matter, Councilor Falkoff noted that the Rules in general, will be reviewed in Committee.

The Chair concurred. Adopted by voice vote.

**6. EXAMINATION OF MINUTES:** December 14, 2007: Councilor Devaney moved to approve the minutes as amended. Councilor Sideris read the Rules regarding amendments to the minutes 7.7 (3) which indicates that appended statements or additional comments be limited to one type page.

Councilor Sideris requested that the minutes be Tabled and asked that any submitted amendments be limited to a one-page document, seconded by Councilor Lawn and adopted by voice vote.

**7. PUBLIC FORUM**

Captain Costa, Watertown Fire Department, 22 Falmouth Road – thanked the Council and the Manager for providing the department with the finest equipment in the state. He noted that 19 men is the absolute minimum for manning, when the level drops to 18 it is below standards. He noted that \$100,000 was cut from their budget and the department took measures to reduce its spending. Factors of illness, training, military service is all beyond the department's control and will affect staffing levels. He thanked the council for their continued support.

Ruth Thomasian, 323 Arlington Street – urged residents/owners/tenants/businesses to shovel snow from their sidewalks so that others do not have to walk on the street.

## **8. MOTIONS, ORDERS AND RESOLUTIONS:**

A. Resolution authorizing the granting and conveying of easements at 319 Arlington Street. The Chair recognized the Manager who provided a brief overview of the resolution.

Councilor Sideris moved to adopt said resolution, seconded by Councilor Hecht

Councilor Sideris asked if a bond will be put up for such work similar to other petitioners when requesting right of ways.

Attorney Reich stated that this will not impact public ways, but is confined to private property, i.e., Coolidge School property.

Councilor Kounelis noted that it is her understanding that Mitchell Properties is expecting funds due at the end of the month. She asked for an update on that and how this resolution will impact structural changes.

The Manager noted that he can provide an update on the funding, which is not available tonight.

Attorney Reich stated that this resolution is not granting anything, just authorizing the Manager, as necessary for lines, or equipment and is consistent with any development project.

Councilor Corbett asked if this is a change in policy.

Attorney Reich stated no.

Councilor Devaney moved an amendment requiring repairs of streets/sidewalks/infrastructures should any digging take place.

Attorney Reich stated that no digging of public ways will take place and only connections of wires. There will be no impacts on streets and sidewalks. He noted, though that he does not have any objection to Councilor Devaney's amendment being part of the resolution if it is the Council's desired.

The Chair asked that any utilities be placed underground and asked that it be made part of the resolution.

Councilor Corbett stated that negotiating of utilities is not a sensitive issue and that it can be delegated to the Manager as part of his administrative responsibilities.

Councilor Piccirilli noted that the developer does not have the right to grant such access. He indicated that the word "easement" is to allow the utility worker permission to go onto the property to get at any equipment they may install.

Councilor Sideris concurred with Councilor Piccirilli regarding the term "easement". The inherent question is why not come to the Council when they need access.

Councilor Hecht indicated that the Manager is responsible for town owned properties and that this resolution just gives authority to the Manager to ensure that equipment can be expedited when needed and urged to the Council to approve the resolution as amended.

Councilor Kounelis reiterated that the developer has not secured the last block of money and that the Council should not give card-blanche to easements to the property.

Councilor Lawn suggested that in order to expedite the resolution, the Manager provide periodic updates once an easement is granted and that the Council move forward with the resolution as amended.

Councilor Falkoff Called the Question and noted that she supports the amendments.

Councilor Devaney suggested that the matter be Tabled for more specifics. She also spoke against the Manager providing a report after the granting of easements have taken place rather than prior to their issuance.

Upon a roll call vote, the motion to Table was defeated 3-6 with Councilors Devaney, Kounelis and Younger voting in the affirmative and Councilors Corbett, Falkoff, Hecht, Lawn, Sideris, Piccirilli voting against.

The motion to Call the Question was adopted by voice vote.

Councilors Hecht and Corbett suggested that underground utilities not be a mandate, but a stated preference of the Town's.

Upon a motion to adopt the resolution as amended to include that any disturbance of sidewalks and streets be repaired; underground utilities are preferred to above ground utilities when feasible and updates to the Council following any issuance grants of easements, it was adopted 8 for with Councilor Kounelis voting Present.

B. Resolution approving excess expenditures for Snow and Ice Removal pursuant to

Chapter 44, Section 31D, Massachusetts General Laws. The Town Manager provided a brief overview of the resolution. It was noted by the Manager that the current balance in the Snow and Ice Removal budget is approximately \$4,500. Councilor Sideris moved the resolution, seconded by Councilor Kounelis and adopted by unanimous vote.

## **9. PRESIDENT'S REPORT – previously taken up.**

A. Committee Assignments - 2008

## **10. COMMUNICATIONS FROM THE TOWN MANAGER**

A. Submission of the Fiscal Year 2009-2013 Capital Improvement Program totaling \$87,217,100.00. The Public Buildings Feasibility Study will be forwarded at the end of the week.

B. The Manager indicated that February 5<sup>th</sup> is the Presidential Primary and as a follow up the Town will seek formal training for its election workers from the Secretary of State Election Division.

## **11. REQUEST FOR INFORMATION**

Councilor Falkoff requested an update on the status of the relocation of the Recycling Center.

Councilor Falkoff asked that the number of housing units and number of cars, over the last ten years be plotted on a graph and forwarded to her.

Councilor Lawn stated that he has obtained that information from the Town Assessor and that the number of registered vehicles have actually declined over the years with the current number at 29,200. Councilor Lawn offered to share the information with Councilor Falkoff.

Councilor Kounelis stated that her requests for information to the Manager going back to October have not been forthcoming and that she will be asking the Council President to place them on the agenda.

Councilor Devaney reiterated her former request for information asking if there are any suits from employees against their supervisors.

Councilor Sideris asked how many if any, citations were written for snow being on the town's property in the commercial business district, how many citations were written, by whom and did we check on them.

Councilor Falkoff asked if that could include those businesses who did not shovel as required.

Councilor Devaney indicated that the Commission on Disabilities is very concerned with this issue.

Councilor Kounelis stated that the citations are issued to commercial/business owners but that residential property owners should not be placing snow along banks blocking access to the sidewalks.

## **12. ANNOUNCEMENTS:**

Councilor Falkoff announced that plastics# 1-7 are now being accepted; and all paper products except milk cartons.

Councilor Kounelis announced that the Aggregate site meeting has been rescheduled for Thursday, January 10<sup>th</sup> at 6:30 pm at the Atrium School.

**12. PUBLIC FORUM – none noted.**

**13. EXECUTIVE SESSION –** Councilor Sideris moved to adjourn the meeting at 9:15 pm to go into executive session in order to discuss strategy with respect to real property and that the Council will not return to open session following the adjournment of the executive session, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.