

## MINUTES

### TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 12, 2008 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, Susan G. Falkoff, John J. Lawn, Jr., Jonathan Hecht, Angeline B. Kounelis, Vincent J. Piccirilli, Jr., and Vice President Mark Sideris. Council President Younger was absent. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

Vice President Sideris asked for a Moment of Silence for the passing of Lucia Mastrangelo, Library Board of Trustee member.

Following a Moment of Silence, Councilor Hecht stated that the Town has much to be grateful for, in particular the generations of the Mastrangelo families. He noted the new library which was a vision of Ms. Mastrangelo and stands for her dedication. Councilor Hecht stated that what he will remember most about Lucia was her total honesty; she spoke her mind and approached people with the same honesty. He indicated that there were no categories she put you in and there was only one clear standard – whether you were trying to do something good for this town and if you were, you were a friend of Lucia Mastrangelo.

The Chair stated that he knew Lucia for many years and she will be sorely missed. He noted that she was a consummate volunteer of many organizations and she will never be replaced.

The Manager stated that his interactions with Lucia for many years involved the Faire on the Square, 9/11 Committee, her work on the new library and as a friend. He noted that the town is a better place because of Ms. Mastrangelo. He thanked Lucia for a job well done.

## **2. PLEDGE OF ALLEGIANCE**

**3. EXAMINATION OF MINUTES:** January 16<sup>th</sup>, January 22<sup>nd</sup>, January 31<sup>st</sup>. Councilor Devaney moved the minutes as amended, seconded by Councilor Lawn and adopted by voice vote.

## **4. PUBLIC FORUM**

Alex Liazos, Member of the Commission on Disabilities – urged the Council to act on the bus stop, too much time has passed, he noted.

Dikran Kaligian, former Town Councilor – urged the Massachusetts Municipal Association to sever their ties with the ADL.

## **5. PUBLIC HEARING AND VOTE:**

A. Public hearing and vote on an Amendment to the Zoning Map to change the zoning district classification from T (Two Family) to 1-3 (Industrial 3) of the property located at 140 Pleasant Street. The Chair recognized daughter of the petitioner (Mr. Capolla) who requested that the matter be continued to the next meeting. Councilor Lawn moved to continue the public hearing and vote on the Zoning Map change to the February 26, 2008 Town Council meeting, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Falkoff requested that the Planning Board make sure that all abutters are notified of the continuance date.

## **6. COMMITTEE REPORTS**

A. The Ad Hoc Charitable Committee report and action on the 2008 Guidelines and Policies – Mark S. Sideris, Chair. The Chair read the Ad Hoc Committee 2008 Guideline and Policies and reviewed prior year's interest and balance and this year's balance fund of \$130,000. Vice President Sideris invited all interested parties to the next meeting scheduled for February 25<sup>th</sup>. Councilor Devaney moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote. Councilor Devaney

moved the guidelines and policies, seconded by Councilor Falkoff and adopted by voice vote.

Councilor Hecht spoke in support of the adopted guidelines and policies.

B. Economic Development and Planning Committee report on the Pleasant Street Corridor Study and action on re-appointments/appointments to the Board of Appeals and Planning Board - Jonathan Hecht, Chair. Councilor Hecht read the Committee report and elaborated on the Committee's initial meeting on the Pleasant Street Corridor Study which, he noted, will continue to be reviewed and translated into reality through the work of many people. New zoning rules, grants, and reconstruction coordination was also discussed. Re-appointments and appointments to the Board of Appeals and Planning Board were interviewed. Councilor Kounelis moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote. Councilor Hecht moved all five appointments, seconded by Councilor Corbett and adopted by voice vote.

C. Public Works Committee report and action on appointments to the Conservation Commission – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee report regarding the appointments and noted how impressed she was with all nominations. Councilor Falkoff asked that an EPA storm water issue be referred jointly to Public Works and Conservation Commission to obtain the permit in the most efficient manner. Councilor Lawn moved to accept the report, seconded by Councilor Hecht and adopted by voice vote. Councilor Falkoff moved to approve the candidates, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Piccirilli moved to refer the EPA permit issue to Public Works and the Conservation Commission seconded by Councilor Falkoff and adopted by voice vote.

Councilor Falkoff moved to Rules and Ordinance to discuss the requirement of a sewer drain inspection on the sale of a property, seconded by Councilor Corbett. Councilor Kounelis asked that it also jointly be referred to Public Works, seconded by Councilor Falkoff and adopted by voice vote.

Vice President Sideris asked the Manager to follow up on a request to have the Whitney Land matter placed on the agenda for discussion.

D. Human Services Committee report and action on appointments to the Board of Health – John J. Lawn, Jr., Chair. Councilor Lawn provided a verbal report on the appointments to the Board of Health. He noted how lucky the Town is on having such accomplished individuals serving on this board. Councilor Devaney moved to accept the verbal report, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Devaney moved all three appointments, seconded by Councilor Kounelis and adopted by voice vote.

The Chair called a two minute recess.

## **7. INFORMATIONAL PRESENTATIONS FROM TOWN OFFICERS AND**

### **EMPLOYEES:**

A. Information Presentation by The Police Building Committee on their efforts to date – John J. Lawn, Jr., Chair. The Chair recognized Mr. Michael J. McKeon, AIA, LEED AP of Kaestle Boos Associates, Inc. who provided a Power Point presentation on the new police facility which included a review of the proposed site plan; final site plan; Green and Sustainable Design Features; Level 1 Floor Plan; Main Level Floor Plan; Upper Level Floor Plan; Elevations and Historic Elements (attached).

Peg Cassidy, Prentiss Street – asked if the new building will be handicap accessible. Mr. McKeon stated that every room of every floor will be handicap accessible.

Maryjane Puritan Road – asked about screening and privacy fencing. Mr. McKeon stated that a number of additional dense evergreens and trees will be used for screening.

Councilor Lawn noted that further discussions will take place on fencing and privacy issues for neighbors.

Dennis Duff, Spruce Street – spoke in concern with the amount of asphalt in the parking lot area.

Mr. McKeon stated that it is the same amount of asphalt as with the Browne School and that they set the parking away from the building in order to allow for more green space and shading adjacent to the police station

Candy Allenbach, Puritan Road – thanked Councilor Lawn for agreeing to have more discussion on fencing/visibility issues and the improvements to the park.

Councilor Kounelis stated that the renderings of the police station are wonderful but noted that she will continue to vote Present on the police station as she has concerns with how the east end will be serviced by the police department.

Councilor Devaney asked about dispatch interruptions with the move. Mr. McKeon stated that there will be no interruptions for dispatchers when the move begins to the new building.

Councilor Devaney noted her concern with the park and stated that she is committed to preserving the park space. Councilor Devaney also noted her concern with the firing range, noise, pollution.

McKeon stated that the filtration system equipment is on the high roof and it will be cleaner air than what we are breathing now.

Councilor Corbett, member of the Police Building Committee, stated that a project is only as successful as the planning that goes into it. He indicated that this has all been a planning stage that has gone well including the involvement of the neighborhood, which has been harmonious and further gave credit to Councilor Lawn who, he stated, has done a very good job.

Councilor Kounelis stated that the annual dollar amount for the filtration system is \$11,000 and asked if that includes everything. Mr. McKeon indicated that there is no way to know for sure, but based on other firing ranges, that is what is approximated.

James Bean – Pine Street – stated the he is grateful that the building is finally being torn down because the old building is a fire hazard. He spoke in support of the new police station.

Vice President Sideris thanked the Police Building Committee members, the neighborhood association and for the successful communication between neighbors and the planning of this new police station. He noted that he is hopeful that the building will come under budget.

The Manager asked to bring forward the transfer 8B at this point in time as it is a related matter.

Councilor Corbett moved to Suspend the Rules in order to bring forward agenda item 8B Resolution authorizing a transfer in the amount of \$39,000 from the Fiscal Year 2008 Town Council Reserve Account to the Fiscal Year 2008 Transfer to Other Funds Account in order to fund design services of 30kw photovoltaic (PV) solar energy generating system and a Geothermal Heat Pump system for heating, ventilation, air conditioning to the new police station, seconded by Councilor Falkoff and adopted by voice vote.

Councilor Devaney moved the resolution, seconded by Councilor Falkoff and adopted by a roll call vote of 7 for and 1 Present with Councilor Kounelis voting Present.

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

A. First Reading and Referral for Committee regarding a Wetlands Ordinance. Councilor Falkoff moved to refer the matter jointly to Rules and Ordinances and Public Works, seconded by Councilor Devaney and adopted by voice vote.

B. Resolution authorizing a transfer in the amount of \$39,000 from the Fiscal Year 2008 Town Council Reserve Account to the Fiscal Year 2008 Transfer to Other Funds Account in order to fund design services of 30kw photovoltaic (PV) solar energy generating system and a Geothermal Heat Pump system for heating, ventilation, air conditioning to the new police station. Previously adopted.

C. Resolution to Decrease Watertown's Waste Stream through Increased Recycling – Susan G. Falkoff, Councilor. Councilor Falkoff read and moved the resolution, seconded by Councilor Corbett.

Councilor Devaney stated that she is in support of more recycling and education but wants more discussion on "pay as you throw".

Councilor Corbett stated that the resolution is a very good one and it asks that the Committee look into these goals and noted that it does not mandate any activities.

Councilor Hecht spoke in support of the resolution as written and stated that it is important to make as much effort as possible to get the word out and have a more effective recycling program. He noted that we are coming to the end of our solid waste contract in just a few months and hopes that the Committee has a dialogue with the Manager about these issues in coordination with the contract process.

Councilor Kounelis stated that education is very important. She stated that it is discouraging to see very few recycling bins at the east end. She spoke against burdening residents with "pay as you throw" and stated that she won't support it if it is set forward out of Committee.

Councilor Piccirilli spoke in support of the resolution and noted that last year the Town recycled 2,000 tons and the more, the better. He noted that public education is the way to achieve this. "Pay as you throw" he indicated, is one of many different options and that this resolution does not mandate it.

The resolution was adopted by voice vote.

## **9. PRESIDENT'S REPORT**

A. Review and action on a Letter to Secretary of State regarding the recent election.

Councilor Piccirilli stated that he prepared some notes for tonight's meeting after reviewing a letter from Michelle Tassinari from the Secretary of State Office (attached). Councilor Piccirilli stated that the revised letter to the Secretary of State Office was softened by the Council at its last meeting but that the Council needs to allege that there was a violation of the law or that procedures were not being followed, and the Council needs to state what they were. He noted his concerned that if the letter is submitted as it is, it will get bounced back from the Secretary of State Office and further delay the investigation.

Councilor Piccirilli read his proposed changes (attached).

Councilor Corbett concurred with Councilor Piccirilli and spoke in support of the letter with the requested changes.

Councilor Devaney read her proposed changes (attached).

Councilor Kounelis spoke against Councilor Piccirilli's changes with respect to "inconsistent with laws" but has no problem with deleting the word "outcome". She noted that there might be flaws and shortcomings and that is what we need to find out, but "inconsistent with law", she noted doesn't sit well with her.

Councilor Hecht stated that Michelle Tassinari's letter that came after the Town Council revised the letter, states very clearly that the letter from the Council must provide details. He noted that the Council's objective is to get the Secretary of State to do an investigation and that we need to state what actions or inactions were contrary to election laws. He further noted that Councilor Piccirilli's revisions are well tailored to achieve that result and he is in full support of them.

Councilor Hecht spoke in support of Councilor Devaney's suggestions as well.

Councilor Falkoff spoke in support of both Councilor Piccirilli's and Devaney's changes.

The Chair stated that he would like to systematically take up Councilor Devaney's submission as follows:

1<sup>st</sup> paragraph, last sentence: Councilor Falkoff moved to keep the sentence in, seconded by Councilor Corbett and adopted by voice vote.

2<sup>nd</sup> paragraph delete the word "outcome of" adopted by voice vote. Councilor Devaney withdrew her suggestion to strike 1<sup>st</sup> sentence.

#8 Additional language added by Councilor Devaney as follows: "At completion of the election when ballots are brought into the Town Clerk's Office who is authorized to handle the ballots? After a lengthy discussion Councilor Falkoff moved to accept the change as written, seconded by Councilor Lawn. Following the motion and second, there was further discussion on amending the addition of #8. After further discussion it was decided not to amend the language of #8 and allow it to stand alone. Adopted by voice vote.

Councilor Kounelis moved to add #9 "what are the procedures for handling of the ballots at the conclusion of the election and how are they handled thereafter for storage". Adopted.

2<sup>nd</sup> to last Paragraph: regarding its removal – Councilor Falkoff moved to have it remain, seconded by Councilor Hecht and adopted by roll call vote of 7 for and 1 Present, with Councilor Devaney voting Present.

2<sup>nd</sup> to last Paragraph: add "Copy of opposing attorney filings" Councilor Falkoff moved the language, seconded by Councilor Kounelis. Councilor Falkoff withdrew

the motion. Councilor Lawn suggestion including all attorneys filings that deal with factual information. Councilor Hecht moved to include copies of all attorneys' filings containing information of fact, seconded by Councilor Lawn and adopted by roll call vote of 6-1-1 with Councilors Falkoff voting in opposition and Councilor Devaney voting Present.

Regarding Councilor Devaney's suggestion of removing last sentence of 2<sup>nd</sup> the last paragraph: "various newspaper articles and other information regarding the election and recount". There was a discussion on whether it is relevant to include emails, blogs and unsigned letters. Councilor Falkoff stated that she felt some of the blogs were very relevant. Councilor Lawn spoke in support of including signed letters to the editor.

Councilor Hecht stated that it is his hope anything of a personal nature would not be included. Attorney Reich stated that he would defer to the Town Council on what is included.

Peg Cassidy, Prentiss Street spoke in opposition to allowing unsigned material to be included.

Following additional discussion on whether or not to allow blogs, etc it was decided by a vote of 5-2-1 to allow the sentence to remain with Councilors Kounelis and Sideris voting against and Councilor Devaney voting Present.

Councilor Hecht moved that the inclusions be limited to printed articles and signed letters, seconded by Councilor Lawn and adopted by a vote of 6-1-1 with Councilor Kounelis voting against and Councilor Devaney voting Present.

Councilor Falkoff moved to keep the language in the last paragraph as is, seconded by Councilor Lawn and adopted by a roll call vote of 7 for and 1 Present, with Councilor Devaney voting Present.

Vice President Sideris asked for a motion to authorize the Town Attorney to draft the letter as amended for the vice president's signature. Councilor Falkoff moved the matter, seconded by Councilor Hecht and adopted by a roll call vote of 6-1-1 with Councilors Kounelis voting no and Councilor Devaney voting Present.

Vice President Sideris stated that there is a vacancy on the Library Board of Trustees mandating more discussion on the matter. A special meeting will be called at 7:15 pm Tuesday, February 19<sup>th</sup>. Please forward any suggestions to the materials you have received prior to the meeting.

**10. COMMUNICATIONS FROM THE TOWN MANAGER – none noted.**

**11. REQUEST FOR INFORMATION**

Councilor Falkoff requested a Facilities Management report forwarded to the Energy Efficiency Committee and requested an update on the branch libraries.

Councilor Piccirilli requested policy on sidewalk plowing and sanding, particularly around school routes.

Councilor Corbett asked for an update on departmental storage study.

Councilor Devaney asked if there are any suits/complaints against employees

**12. ANNOUNCEMENTS**

Councilor Hecht provided a brief update on a recent MMA meeting and noted that MMA sponsorship will be addressed at its next meeting. Communities will be sharing their views on the matter, as Watertown did. Alternatives to the ADL's program will also be discussed. Councilor Hecht asked residents to contact him with their views.

Councilor Kounelis announced that the Rules and Ordinance Committee has delayed their meetings until the return of the Council President so that he may attend.

Councilor Devaney announced her disappointment regarding the MMA and No Place For Hate.

Vice President Sideris announced the next meeting of the Charitable Ad Hoc Committee: Monday, February 25<sup>th</sup> 6pm.

Councilor Falkoff announced Public Work subcommittee meeting on February 19<sup>th</sup> at 5pm.

**13. PUBLIC FORUM – none noted.**

**14. ADJOURNMENT** Councilor Devaney moved to adjourn the meeting at 10:30 pm, seconded by Councilor Kounelis and adopted by unanimous vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted, as written, on February 26, 2008 by voice vote.

Clyde L. Younger, Council President