

MINUTES

TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 26, 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 P. Corbett, Marilyn M. Petitto Devaney, Jonathan Hecht, John J. Lawn, Jr., Angeline B. Kounelis, Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Clyde L. Younger, Council President. Also present were the Town Manager Michael Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: June 28, 2007; February 7th, February 12th and

February 19, 2008. Councilor Sideris moved to approve all four sets of minutes as written, seconded by Councilor Corbett and adopted by voice vote.

4. PUBLIC FORUM – none noted.

5. PUBLIC HEARING AND VOTE:

A. Continued 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 the Manager who provided a brief overview of the map change and proposal and noted that this was continued, by vote of the Council, from the February 12th meeting.

Ms. Theresa Coppola-Jones read a brief statement requesting that the Council consider a zoning change for 140 Pleasant Street from a two-family zone to an I-3 (Industrial 3) zone. She noted that a petition of support from abutters has been signed for the Council's consideration.

Elaine Sokoloff, 111 Pleasant Street – stated that she was not notified of this proposed zoning change. She spoke against any change that would allow for the storage of gardening equipment and trucks.

Claudio Coppola, owner and petitioner – stated that his landscaping business has been reduced in size as he nears retirement. He indicated that he wants very much to clean up the property and make vast improvements to the lot.

Unidentified speaker at 111 Pleasant Street – Asked what will happen in the meantime, with the equipment on the site, etc.?

Michael Pacious, 151 Pleasant Street – spoke in support of the requested change pointing to the improvements already being made to the site and his trust in the petitioner.

Curtis Whitney, Grandview Avenue – stated that he is assisting Mr. Coppola in facilitating the improvements to the lot. He read a neighborhood petition in support of the change and a letter of support from a direct abutter (attached). Mr. Whitney stated that the property formerly known as "Dirty Dan's" was given a mandate from DEP for additional cleanup of the site for a Phase 4 report by August 08; with an August 09 completion.

Councilor Kounelis asked what the legal requirements are with respect to notifying abutters of zoning changes. Nancy Scott, Zoning Enforcement Officer indicated that an approved abutters list did not include 111 Pleasant Street as they were outside the abutter zone.

Councilor Hecht inquired what the reason was for the zoning change to an I-3 other than the fact that the rest of the parcel is I-3 and was there any consideration to zone it residential, like R-75 since the intention is to build residential units. Ms. Scott stated that the lot in question can be re-zoned to an R-75, but that the ultimate goal is to change the smaller lot that is currently under the Two-family zone to an I-3 zone in order to match the 24,000 square foot lot and have a contiguous lot.

Councilor Corbett stated that the I-3 change makes sense, as the remaining portion of Pleasant Street on that side is zoned I-3. He indicated that it behooves the Town to allow the owner a number of options to allow for improvement to the lot. The Planning Board unanimously supported this change and Councilor Corbett noted that he holds their expertise in high regard, and thus will support the change as well.

The Chair asked Mr. Whitney about the storage issue and asked him to address the issue of mitigating the truck and equipment concern.

Mr. Whitney, to the concern of the storage of equipment, stated that even if the 7,800 square foot lot is changed to I-3, it still cannot be used for commercial use without going before the Town for a special permit.

Councilor Falkoff applauded Councilor Hecht for trying to find a win/win situation. The lot, she noted abuts the Charles River and does not lend itself to the storage of equipment, and even though Mr. Coppola can be trusted to do the right thing, if it comes in the possession of someone else, it allows for all kinds of undesirable uses and therefore, Councilor Falkoff stated, she will not support the change.

Councilor Devaney stated that she supports the zoning change as Pleasant Street is a truck route and it makes sense, the change will be contiguous to the remaining lots and will be cleaned up. She also noted that abutters are in support of this.

Councilor Piccirilli stated that he has talked to quite a few people in the neighborhood about this change and supports the zoning change for a number of reasons. First, Mr. Coppola realizes the lot has a very high value with a residential use than its current use, and the current split zoning presents difficulty in putting in multi-family units. He noted that the entire side is currently zoned I-3. Second, the neighbors prefer residential units, and getting the I-3 will allow for this. Councilor Piccirilli indicate that once the zoning is changed, the onus is on Mr. Coppola to clean up the site. Mr. Coppola will also have to pay higher property taxes with the I-3 zone. Councilor Piccirilli stated that if any enforcement issues come up, that he would be more than willing to assist the neighborhood in resolving them as the quality of life on Pleasant Street is a priority to him as district C councilor.

Councilor Sideris spoke in support of the zoning change, he noted that Mr. Coppola has indicated that his landscaping business is small as this point and that he takes him at his word for the future development of this property. Councilor Sideris stated that Mr. Coppola

wants to maximize his investment in making this all I-3, its consistent and it is not a disservice to that section of the neighborhood and thus supports the change.

Councilor Kounelis asked about the timeframe of cleanup. Mr. Whitney reiterated the DEP order for a Phase 4 report to be completed by August 08 and a complete clean up by August 09.

Councilor Kounelis asked if the clean up would be for residential use? Mr. Whitney stated absolutely, that is the plan.

Councilor Sideris moved the zoning change, seconded by Councilor Devaney and adopted by a roll call vote of 8 for 1 against, with Councilor Falkoff voting against.

6. COMMITTEE REPORTS

A. Personnel and Town Organization Committee update on the process/evaluation tool/ compensation matters for the Town Manager, Town Auditor and Council Clerk and report and action on appointments to the Licensing Board – Stephen Corbett, Chair. Councilor Corbett stated that his committee interviewed members of the Licensing Board for re-appointment. The Committee interviewed Mr. George Newman and Mr. Robert Whitney and conducted a conference call with Ms. Donna Doucette. The Committee reviewed their wish to continue to serve on the Licensing Board, along with its challenges. Councilor Corbett noted how well the Board functions together and the highly qualified and experienced all three were in discharging their duties on the Board. Councilor Corbett stated that the Committee unanimously voted to recommend their re-appointment. It was noted that Alternate Member, Ms. Sandra Hoffman will be scheduled for an interview in the near future.

Councilor Corbett stated that the committee also discussed the Manager's evaluation, process, utilization for goals and objectives. He noted that it became readily apparent that clarification was need as to the committee's role. The Manager stated that the evaluation process in general has worked well in the past and that summary composite will be presented tonight by the Council President. Councilor Corbett noted in conclusion that it is very important going forward that the Committee recommend to the full Council the development of a process to identify a more useful evaluation tool, with a firm timetable for conducting evaluations on a timely and annual basis, the need to identify goals and objective at this point in time after current evaluation is accepted which will be utilized for the next evaluation. The Committee will also tackle responsibility of salary adjustments on a timely and

annual basis, input from all councilors is welcome and to tackle the evaluation of auditor and clerk and their compensation.

Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Devaney moved the re-appointment of Donna Doucette, seconded by Councilor Sideris and adopted by voice vote. Councilor Devaney moved the re-appointment of George Newman, seconded by Councilor Sideris and adopted by voice vote. Councilor Devaney moved the re-appointment of Robert Whitney, seconded by Councilor Sideris and adopted by voice vote.

B. Public Works Committee report on Wells Avenue and Bacon/Main Street parking lot and related matters and report and action on appointments to the Conservation Commission – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee's report (attached). She reviewed the Wells Avenue parking lot in detail along with the status of the municipal parking area. It was noted in the report that the Committee decided to have the town attorney provide a legal opinion on the town's rights, liabilities, etc; ask the manager to provide a history of payments under the lease and have the Council weigh in on a strategy regarding this lease. Councilor Falkoff reviewed the Bacon Street parking area. A number of recommendations were made by Superintendent Mee including building a retaining wall along Bacon Street, provide new drainage, paving and striping of the municipal metered lot; provide another metered municipal lot off Howard Street. The Committee voted on the following action: have the Public Works Department provide an estimated cost for cleaning up the property; provide a construction budget for the parking area and community path and related landscaping.

Councilor Devaney moved to accept the report, seconded by Councilor Hecht and adopted by voice vote.

Councilor Devaney moved to approve the re-appointments of Marylouise McDermott and Leo Martin, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Falkoff moved to ask the Town Attorney to provide a legal opinion on the Wells Avenue Parking Lease liability, seconded by Councilor Sideris and adopted by voice vote.

7. INFORMATIONAL PRESENTATIONS FROM TOWN OFFICERS AND

EMPLOYEES:

A. Informational Presentation on a Proposal for the creation of the Whitney Hill

Conservation Area – Patrick W. Fairbairn, PH.D, Conservation Commission member. The Chair recognized Mr. Fairbairn who provided an introduction to a proposal for the creation of the Whitney Hill Conservation Area. Mr. Fairbairn reviewed the current access and parking situation, current uses, current care, custody and control and the benefits of transferring the care, custody and control of Whitney Hill to the Conservation Commission.

Following the brief presentation, Councilor Corbett stated that while the proposal sounds good, he is unclear of the benefits and asked why the Town can't accomplish the same goals under the current situation. He also asked that the Town Attorney outline all the pros and cons of the transfer of custody.

Councilor Falkoff spoke in support of the transfer of custody of Whitney Hill, stating that this is a milestone. She also noted that residents are adamant that the land remain natural and does not change in any way. She also concurred with asking for a legal opinion from the Town Attorney.

Councilor Hecht stated that the proposal is a good one and that Whitney Hill is unique. He noted that he is in favor of a motion to carry this forward and to look at other communities as models.

Councilor Kounelis voiced support in exploring the matter. She spoke in support of notifying neighbors who abut the entrances and egresses.

Attorney Reich reviewed State statues that govern transfers of land from one department to another. He also stated that a resolution would need to be drafted first.

Councilor Falkoff moved to request the Manager to develop a process and procedure for the transfer and that the Town Attorney will outline all the pros and cons of such a transfer, seconded by Councilor Hecht and adopted by unanimous roll call vote.

B. Informational Presentation on efforts to date of the Watertown Cable Access

Corporation and proposed equipment enhancements for the Council Chamber – Stephen L. Singer, President and Tamarah Green, Executive Director. The Manager stated that as part of the Town's agreement with Comcast and their renewal license, Comcast has agreed to provide updates to the Council Chamber and one of those updates are to improve the quality of coverage. Ms. Green indicated that the proposal will include installing a three-chip camera to replace the one-chip, which will enhance the visual and audio aspects of the feedback.

Councilors voiced their support for the updated equipment.

Councilor Sideris spoke against any piece meal work and made a motion to go forward with the technological updates to the Council Chamber, looking at it as a complete package and all aspects of the visual and audio aspects, seconded by Councilor Lawn.

The Manager indicated that he will follow up with an update on how the project will proceed.

Councilor Corbett asked that the functional layout of the room be looked at with respect to updates as well.

Adopted by voice vote.

C Informational Presentation in response to Councilor Devaney's request for information regarding police officers leaving the department – Police Chief Edward P. Deveau. The Chair recognized Chief Deveau who pointed out that officers are hired through Civil Service and the numbers of those taking the exam state wide are down by a significant amount from 23, 000 in 1997 to 9,000 in 2005. Lateral transfers have also negatively affected the police department. Officers are now allowed to take lateral transfers and thus transfer out to a higher paying community such as Cambridge or Boston or transfer out to a community where housing is more affordable. The Chief also pointed out generational changes and indicate that people are not staying in their job long term. There is significant evidence that we are a mobile society, he stressed.

The Chief indicated that discussions have taken place with the Police Association regarding candidates attending the academy on their own.

The Chief read off a list of other communities suffering from the same trend and noted that it is not just in Watertown, but state wide.

The Chief read letters from officers who have left the department indicating their reason for leaving were due to family or salary issues and not related to staff or personnel reasons.

The Chair asked if the Council can be of assistance through the Manager with helping to retain officers in town.

Councilor Kounelis stated that four officers resigned prior to completing two years of service ranging from 1 yr to 7 months. This is a concern and costly undertaking for the town. The recruits earn \$48,689. Six months training at the police academy costs the town \$2,300 for each recruit and a \$4,000 stipend goes to the Watertown officers who accompany the recruits during their first 60 days on the road. Recruits should not be furthering their careers at the town's expense.

The Chief indicated that due to HRD rules the police department cannot not hire someone who has scored high on the exam due to the fact that they may not stay long term.

The Chair stated that as with military service, you are required to serve a certain amount of time due to the training you receive. He asked if there can be a payback to the town if officers don't stay.

Attorney Reich stated that there is nothing that commits an officer to stay.

Councilor Devaney stated that she acknowledges that people have left for bigger and better things, however some have left due to a lack of advancement. She noted the jump of overtime.

The Manager noted that the Chief of Police provided transparent data on why officers are leaving the town. He agreed with the comments about addressing some type of payback for police academy training and noted that it is a state-wide endeavor. He lastly stated that the Chief cannot be criticized for his employees trying to better themselves.

The Chair asked the Chief to look into some type of provision for payback of training.

Councilor Falkoff stated that perhaps if candidates pay upfront for their academy training, the Town will reimburse them after serving for a certain number of years.

8. MOTIONS, ORDERS AND RESOLUTIONS:

- A. Resolution to Take Permanent and Temporary Easements for Pleasant Street Improvements. The Manager reviewed correspondence from Kopelman and Paige and the Superintendent of Public Works regarding the Taking of Easements on Pleasant Street. Attorney Reich reviewed the easement issues as a result of the \$9 million dollar project. He stated that the properties will ultimately benefit from the improvements but must waive damages.

Mr. Mee stated Mass Highway has certain criteria with respect to Easements that have to be taken care prior to construction work and noted that in many of the cases the easements takings were very minor.

Attorney Reich added that this is a friendly taking and waiving of damages.

Attorney Reich read the resolution. Councilor Sideris moved the resolution, seconded by Councilor Falkoff and adopted by unanimous roll call vote.

Councilor Sideris moved to send letter to all property owners thanking them for their cooperation, seconded by Councilor Lawn and adopted by voice vote.

B. Proclamation recognizing Art Month in Watertown Schools – Clyde Younger.

The Chair read the proclamation. Councilor Sideris moved its adoption, seconded by Councilor Corbett and adopted by voice vote.

9. PRESIDENT'S REPORT

A. Report on the Filing of a Special Act on a Vacancy on the Library Board of Trustees. The Chair provided an update on the Special Act to fill the vacancy on the Library Board of Trustees. He noted that the Council President will meet with the Library Board in order to consider their nomination.

B. Fiscal Year 2007 Composite Evaluation of the Town Manager. The Chair read the Manager's composite evaluation. Councilor Devaney asked if she would have an opportunity to present something in writing that was omitted in the evaluation. The Chair stated, yes.

Councilor Sideris moved to adopt the composite report, seconded by Councilor Lawn and adopted by unanimous roll call vote.

10. COMMUNICATIONS FROM THE TOWN MANAGER

The Town Manager noted his appreciation for the feedback in the evaluation and looks forward to continuing his work with the Council.

The Manager stated that he forwarded the next round of May appointments as follows: Assessors, Council on Aging, Cultural Council and Traffic Commission.

The Manager stated that a Library survey is available and can be filled out on line.

The Manager updated the Council on a Snow and Ice Expenditures deficit in the amount of \$400,000 to be addressed in the near future.

Council Sideris asked if it would help to contact state representatives. The Manager stated that it is a state wide issue and welcomes assistance.

Councilor Sideris moved to draft a letter to our state representatives. Adopted.

11. REQUEST FOR INFORMATION

Councilor Kounelis indicated that in 26 months only one quarterly audit has been presented. It was her understanding that a presentation was to have been made during tonight's meeting. Council President Younger asked for the audit report to be placed on the next agenda.

Councilor Kounelis stated that internal communications were lacking on a recent accident in Watertown Square involving a municipal vehicle.

Councilor Falkoff asked for information about the status of the Watertown Square Parking study.

Councilor Devaney asked for a report of any complaints made by employees against a supervisor.

12. ANNOUNCEMENTS

Councilor Sideris announced that the deadline for submission of applications for the O'Neill/Harvard grant is March 28th at 5:00 pm. Any questions please contact the Town Auditor.

13. PUBLIC FORUM – none noted.

14. EXECUTIVE SESSION

Councilor Sideris moved to go into executive session to discuss litigation and the taking, leasing or purchasing of real property. The Council will not return to open session following its adjournment from executive session. Seconded by Councilor Piccirilli 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 above minutes were adopted by voice vote as amended, on March 25, 2008.

Clyde L. Younger

Amendments to Town Council Meeting – February 26, 2008

Following Chief Deveau's presentation re: loss of 18 police officers in three years with related increased overtime costs

Councilor Devaney noted that she is in support of the rank and file officers in the Watertown Police Department and wants fairness, lack of discrimination and favoritism

She noted that there are some officers that have left to better themselves but that is not true of the majority. She notes that the majority are lifelong resident who went through our public schools, who dreamed of moving up the ranks in their own hometown police department. These were the brightest and most respectful young officers. I have talked with these officers. They told me they left for reasons that included that they saw no chance of advancement, on the carpet for not getting enough tickets. The officer mentioned tonight that left for Secret Service, whom I have talked with, left for those reasons. The overtime is excessive because we send a police officer to academy paid full salary with another officer receiving time and a half to fill that position. When the new officer leaves in a year or two- the cycle starts again. The community gets to know them and then they are gone. Councilor Devaney noted that we have a lot of good officers. She also noted that as some are invested they cannot leave. She expressed the need for a stable department.

NOTE: Councilor Devaney passed out a list of overtime costs noting past years to figures of the past three years.