

## **MINUTES**

### **TOWN COUNCIL MEETING**

**TUESDAY, MARCH 25, 2008 AT 6:00 PM**

**RICHARD E. MASTRANGELO CHAMBER**

**ADMINISTRATION BUILDING**

**1. ROLL CALL:** A regular meeting of the Town Council was called to order at 7:30 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, 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 Lawn was absent.

**2. EXECUTIVE SESSION – 6:00 PM**

**3. CONVENE OPEN SESSION – 7:15 PM**

**4. PLEDGE OF ALLEGIANCE**

A Moment of Silence was offered in memory of President Younger's brother-in-law.

**5. EXAMINATION OF MINUTES:** February 26<sup>th</sup> and March 11<sup>th</sup>. Councilor Sideris moved the minutes of February 26<sup>th</sup> as amended, seconded by Councilor Devaney and adopted by voice vote. Councilor Kounelis Tabled the minutes of March 11<sup>th</sup>. Adopted by voice vote.

## **6. PUBLIC FORUM**

1. Ruth Thomasian, Trees for Watertown – spoke in support Mr. Hayward, Tree Warden/Conservation Agent carrying out only the responsibilities of a Tree Warden and not other responsibilities related to the position of Conservation Agent.

## **7. COMMITTEE REPORTS**

- A. Public Works Committee update/report on Bacon Street – Susan G. Falkoff, Chair. The Chair recognized Councilor Falkoff who read the Committee's report (attached). It is noted that Mr. Mee presented preliminary design concept for the Bacon Street parking lot, Howard Street parking lot and a community path along Cambridge Water property land. Estimated costs and grants were discussed as well as illegal dumping. Councilor Sideris moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Falkoff moved to adopt the preliminary design and concept for the lots, seconded by Councilor Sideris and adopted by voice vote.

Councilor Falkoff moved that the Public Works Department and Planning Department be authorized to move forward with the project and develop design documents and funding sources. Councilor Sideris spoke in concern with moving too far ahead without knowing where the monies will come from. Councilor Sideris stated that he would like a disclaimer that dollar amounts were not included in discussions by the Budget and Fiscal Committee. Councilor Falkoff stated that she is only asking to move forward with preliminary design concepts. The Chair suggested a friendly amendment making the project contingent upon funding. Councilor Falkoff accepted the friendly amendment, seconded by Councilor Sideris and adopted by voice vote.

Councilor Falkoff moved to request increased police patrol of the area for illegal dumping and issue fines when warranted, seconded by Councilor Sideris and adopted by voice vote.

## B. Budget and Fiscal Oversight Committee update/report on the Capital Improvement

Program – Mark S. Sideris, Chair. The Chair recognized Councilor Sideris who read the Committee's Budget and Fiscal Oversight report (attached). Victory field lighting and artificial turf; roadway management program; and funding phases were discussed. The Manager brought forward information on a GIS system for DPW vehicles; a request for \$500,000 for technology needs for schools; and roadway and sidewalk improvements. The Committee voted to recommend in concept, guidance for the Manager for the Capital Improvement Program to include the following items: Watertown Square Parking Structure; Coolidge Square Improvements; Victory Field artificial turf and lighting and lighting at Filipello Park; and street and sidewalk improvements. Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote. Councilor Sideris moved to approve the Committee's conceptual recommendation to the Manager for Capital Improvement Program, seconded by Councilor Kounelis. Councilor Devaney asked if other sources of funding for these items are open for discussion. The Chair stated, yes, that it is just a concept and recommendation to the Manager. Adopted by voice vote.

## C. Public Safety Committee update/report on the Fire Department's Standard of Coverage

Report – Mark S. Sideris, Chair. The Chair read the Public Safety report on the Fire Department's SOC report and current minimum manning levels (attached). The Chair stated that the subcommittee asked the Manager and the Chief to get together and report this evening on how they might be able to accommodate the previously established 19 minimum manning level. Councilor Sideris moved to accept the report, seconded by Councilor Kounelis.

Councilor Devaney noted for the record that due to a taping error, pertinent comments were not included in the report, including important facts and asked if the report can be amended. The Chair stated that additional discussions will take place this evening which will be put to the record.

Councilor Piccirilli asked that before the report is accepted that he be able to reiterate a few

important facts and comments that were made at the committee meeting and not included in

the report. He noted that in the SOC report on pages 28 and 30 the report describes a 16

manning level responding to a first alarm. He asked if the Chief would confirm those facts

to be correct. It was further noted by Councilor Piccirilli that this response policy also

included both ladder trucks responding with the current 17 firefighters.

The Chair stated that that may be correct, but it was also stated by Captain McManus that a

call for mutual aid would come much sooner.

The Chief stated that at a minimum manning level of 17, he would only have 2 on a ladder

truck. When calls are made with smoke involved, he would start the additional resources

with the 2 firefighters making up a four company on two ladder trucks. The third apparatus,

he noted, would not be responding to any calls. Different contingencies were discussed at

the subcommittee meeting with scenarios involving 15, 16 and 17 for which all apparatus can

be kept but at reduced staffing levels. At a 16 minimum manning level, one ladder truck

would be out of service and all staff would be redeployed. He indicated that at that point,

they would certainly have to count on mutual aide from Belmont or a private service to lend

a hand.

The Manager stated that perhaps the Council will entertain a motion to Suspend the

Rules in order to take up a late agenda item. He noted that later on under Communications

from the Manager, he will update the Council on budget issues.

The Chief provided an overview of Leave. He stated that he had hoped that the SOC report would answer a lot of those questions. He read a list, which was provided to Councilors, of overtime needs broken down monthly and by category.

Councilor Devaney stated that no department head has presented such an in-depth report as presented tonight by Chief Orangio. She noted that at the March 20 Subcommittee meeting she stated that the Town Council is on record with a commitment to maintain a 19 minimum manning level. She stated that she fears the drop to 17 minimum manning- that it goes against all rules of OSHA and Federal rules of 2 in and 2 out. This endangers both the firefighters and the people of Watertown. She noted that this has been an extraordinary year and thanked the chief for returning \$40, 000 in unused overtime and \$53, 000 the year before. She also noted that he also cut \$70,000 out of his budget – on top of that had a cut – a drop of \$140,000 overtime out of this fiscal year's budget. She stated that the department has had extraordinary problems –that the Chief has justified all the injuries and sad circumstances- firefighters in accidents- serious illness in their family. She noted that she wished we had this much scrutiny with all the departments. She commended the town manager for appropriating in the \$80,000 for overtime as a late agenda item tonight. She also advised that she has submitted a late agenda item – and will later talk on that resolution to provide necessary additional overtime monies. She thanked the chief for presenting a report that was in-depth and factual. She made a motion to move the late agenda item to fund \$80,000 to the overtime account.

Councilor Hecht asked where in the report does it provide an explanation of the cause of increase in leave.

The Chief stated that they track this annually and that this year the Fire Department is - with ¼ of the fiscal year remaining just about at where they were last year for the entire fiscal year. He noted that councilors can see in the report he prepared that all the various types of leaves are broken down in the tours lost category Fy2008.

Councilor Corbett asked what community is it fair to compare Watertown to.

The Chief stated that Watertown is not sectioned off as to residential district and industrial district – that is mixed not like a traditional city where they are sectioned off.

He stated that it would be difficult to look at another community and wouldn't be fair to ask if they have the same risks as Watertown. You would have to find a community that is densely populated, and as mixed as Watertown. he explained that the report that he submitted takes what is considered standard for the business and applies it to the risk that we identify in this community- to compare it to another community as far as spending it's really apples and oranges. He noted that there aren't studies done comparing fire departments -even nationally.

The Chair stated that it is difficult because Watertown is unique, small and densely populated.

Councilor Corbett stated that as a member of the governing body, those comparisons have to be made and that while, we may not find a true comparison, a comparison needs to be made.

The Chair stated that the Chief has returned overtime monies in the past and questioned why we are making these issues more important than they should be. The Chair referred to the SOC report as a tool.

Councilor Devaney agreed with the Chair. In 27 years, she noted, there has never been a department head placed under so much scrutiny, which she says is micro

managing. She stated what is not in the committee report is that the Council has made the commitment to a 19 minimum manning level.

Councilor Kounelis thanked the Chief for the tremendous report and gave kudos to his staff. One item omitted from the committee report she noted was how fire apparatus responds to a fire. She stated that in a 13 person response team, an engine and a ladder is still available. If another call comes in, just one apparatus is available to the community. That increases the response time to the second call for services.

Councilor Devaney moved to Suspend the Rules for a late agenda item, seconded by Councilor Sideris and adopted by unanimous roll call vote.

The Manager provided an overview of the transfer in the amount of \$80,000 for the Fire Department's Overtime account bringing the total overtime account to \$536,000.

The Chair asked the Manager what the outcome of this transfer is.

The Manager asked that the Chief explain how he will proceed with the monies.

The Chief stated that the transfer of monies will stem the tide of going from 17 to 16, with so many out, he noted, the department is behind the eight ball. He further stated that with ten crew members out on leave, it is his plan to maintain the 17 manning level and reassess things as people return from sick leave.

Councilor Sideris asked that out of the ten that are out, who will be returning and when. The Chief stated that he will have 2 people back in the next few weeks.

Councilor Sideris requested an update in a few weeks and stated that communications is very important and he appreciates that the Manager and Chief are in communication on this issue.

Councilor Devaney asked how far the \$80,000 will take the department.

The Chief stated that at 17, the monies will take the department through the end of the fiscal year.

Councilor Devaney stated that she has a transfer for \$107,000 and with the \$80,000, she will reduce her resolution to a \$50,000 request for funds. She noted that the resolution would just start the process, with a first reading and public hearing coming at subsequent meeting.

The Chair asked Attorney Reich that once the transfer of \$80,000 is adopted, does that change the previously adopted 19 minimum manning level. Attorney Reich stated that the transfer does not affect the previously adopted resolution.

The Chief stated that he could go back to the 19 minimum manning level with the addition of the \$80,000 but that he would only be back here with a request for additional funding. Keeping it at 17, assures that he will have that manning for the rest of the fiscal year.

Councilor Hecht asked the Chief if he was comfortable with a 17 minimum staffing level. The Chief stated that the town is safe with 17, but noted that even at 19 it is a dangerous job.

Councilor Hecht, referring to the Fire Department's SOC report on pages 28 and 30, describes the scenario of a 13 minimum manning level responding to a regular type "bread and butter" house fire call. He asked at 17 what can't you respond to.

The Chief stated that it is the second call, made shortly after that would be negatively affected.

Councilor Hecht noted that a great majority of the second calls are for medical service for which if need be, Belmont or private ambulance would be called as mutual aide.

The Chief stated that while that is correct, the loss of time with mutual aide could negatively impact the outcome of the medical service. The window of opportunity is compromised with a subsequent call for mutual aide which takes an additional 3 more minutes. Councilor Hecht asked what the statistics show for that second call with mutual aide.

The Chair stated that the SOC report is based on a 19 minimum manning level and it is unfair to ask questions that are not specific to the report. He noted that it is difficult to answer such questions at the top of your head.

The Chair stated that there is a motion on the floor to adopt the \$80,000 transfer and asked for a roll call vote on the matter. Upon a roll call vote, the motion was adopted by unanimous roll call vote.

Councilor Devaney moved to bring forward her late agenda item transfer, seconded by Councilor Kounelis. Adopted by voice vote.

Councilor Devaney read a proposed transfer of \$50,000 to fund the Fire Department's Overtime Account in order to maintain a 19 minimum manning level.

The Manager indicated that as Councilor Devaney just explained, that any type of monies moved from the Stabilization Fund not part of the budget requires a budget amendment, with a first reading and subsequent public hearing and vote.

Councilor Hecht stated that our fire department is well funded. In 2004 the Boston Globe did a study of all the fire departments in the state of Massachusetts and found that Watertown was the 6<sup>th</sup> best funded fire department in the state, only Boston, Cohasset and 3 Cape Cod towns spent more money per resident to fund their departments. He noted that he would like to see the Chief take the next step and see whether there are other ways to achieve the same high level of services at a lower cost. Councilor Hecht stated that if we want to maintain the current level of services there will have to be change, change is inevitable and that we have an obligation to work together to make sure that that change happens.

Councilor Kounelis stated that she is sure that everyone knows how strongly she feels about public safety matters and she strongly supports the 19 minimum manning levels. She commends the Manager for finding the \$80,000 for overtime. She hopes that the Chief will come back with an update. She further stated that she is not in a position to take monies from another account without knowing all the ramifications and she supports the tax payers of Watertown. She noted that the Council represents everyone, so she cannot support the resolution at this time as she does not have enough information or the ability to know how this money is going to be used.

Fire Captain Joseph Costa stated that Watertown can be compared to Everett and right now Everett is running a 19 minimum manning level with no EMS service. There is no way anyone can say that a 2 man ladder truck is good. Watertown is rated with a class 3 rating, staffing is a factor and the rating will rise and home owners will have to pay high insurance rates.

Councilor Falkoff spoke against the resolution and noted that she has to trust the Fire Chief and if he says he can run a safe department with a 17 minimum manning level she trusts him to do that. She echoed Councilor Sideris' previous comments in commending the Manager and Chief for keeping the communications open on this matter as that is where this decision needs to be made.

Councilor Corbett stated that his view on this matter is that it is the Council's role to approve the overall budget and not their role to approve and direct any staffing

levels for any department and therefore, he indicated he is not in support of this resolution.

Robert McCarthy, President of Firefighters Union, retiree and homeowner – stated that we are in difficult times, similar to what other bodies are going through. He thanked the manager and the council for finding the funds to give to the chief. In staffing, he noted that we have had this discourse for the last 27 years. He indicated that we all have a purpose and taxpayers deserve public safety, public education and public health. He stated that we would love to go back to 5 members on an engine, four on a ladder. This department has taken the hits from 128 to 93 employees. There has been change in fire department. He further stated that we need 24 per shift, and are asking for 19.

Councilor Piccirilli thanked the Chief and firefighters for having a very high rating, putting the Watertown Fire Department at the top 3.4% of all fire departments in the country. Based on the SOC report, in 2006 only 6 fires in Watertown had more than \$5,000 in property damage. Also the report indicates that it takes 15 firefighters to respond to a first alarm fire and that currently we are doing much better than what is acceptable. Furthermore Councilor Piccirilli indicated that while minimum manning calls for 4 people on a truck not all have to travel in one vehicle, but can arrive separately. He noted that we are complying with the “2 in and 2 out rule” and that a very good fire department can achieve that even with 16 on staff.

Councilor Sideris stated that minimum staffing levels have always been a concern to him. He noted that we have just voted to transfer \$80,000 and acknowledged that even that is not enough. However, he pointed to other deficits such as snow and ice deficit, gasoline, collective bargaining, etc all of which effect citizens in our community. Councilor Sideris stated that the monies coming from the proposed resolution is in our capital improvement program and already spoken for, which makes him extremely uncomfortable. Communication is very important and he encourages and hopes that that continues, but he cannot support this resolution. If another line item is found, he is willing to consider it.

The Chair indicated that he is in favor of Tabling the resolution for further discussion. He further stated that if we are going to ask the Chief to examine every aspect of his budget, then we should consider zero based budgeting for every department starting from zero and asking each department head to justify their each and every expenditure. It is a difficult task and very time consuming. And perhaps we can have that referred to our Rules Committee.

Councilor Devaney moved to accept the offered resolution to increase overtime to maintain the 19 minimum manning. She stated that she has heard tonight that it is not up to the Council to decide manning levels, but in fact that is what the Council has done. She mentioned that there is nothing more to cut from their budget. We are telling a professional chief how to run his department.

Upon a roll call vote, the resolution was defeated 1 for and 7 against, with Councilor Devaney voting in favor.

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

### **EMPLOYEES:**

- A. Informational Presentation regarding the Final Draft of the Watertown Open Space and

Recreation Plan – Gregory P. Watson, Planning Director and Joseph Merkel, Senior Planner. Mr. Watson provided a power point presentation (attached) on the Open Space Plan 2005-2010 which included a review of the following topics: Plan Summary; Statement of Purpose; Community Setting; Environmental Inventory and Analysis; Inventory of Lands; Community Goals; Analysis of Needs; Goals and Objectives; Five Year Action Plan; Public Comments Section and References. Mr. Watson thanked Councilor Falkoff and former Planner Mary Crain for their work on this project.

Councilor Falkoff thanked Mr. Merkel for getting the draft into shape.

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

- A. First Reading and referral to the Planning Board regarding a proposed Pleasant Street Corridor Zoning District. The Chair recognized Mr. Watson who provided a brief overview of the matter. Councilor Sideris suggested using the Library for a Planning Board public hearing to allow for as many

participants as possible. Councilor Sideris moved to refer the matter to the Planning Board, seconded by Councilor Corbett and adopted by voice vote.

- B. First Reading on a proposed loan order that \$534,800 is appropriated for the purpose of financing sewer and manhole replacement and rehabilitation work to fix defective pipes and manholes, and any architectural and engineering services in connection therewith and any costs incidental and related thereto; that to meet this appropriation the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$534,800 under Chapter 44 of the General Laws or any other enabling authority; that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority for an interest free loan and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority with respect to such loan; that the Town Manager is authorized to contract for and expend any federal, state or other aid available for the project, including any grant related to such project from the Authority; and that the Town Manager is authorized to take any other action necessary to carry out this project. The Chair recognized the Town Manager who provided an overview of the proposed Loan Order and indicated that the agenda item will be advertised for a public hearing and vote at the April 8<sup>th</sup> Town Council meeting.

- C. First Reading on a proposed Ordinance to Temporarily Modify Hours of Operation of the Administration Building. The Chair recognized the Town Manager who provided an overview of the proposed Ordinance and indicated that the agenda item has been advertised in the local paper for a public hearing and vote at the April 8<sup>th</sup> Town Council meeting.

**10. PRESIDENT'S REPORT – none noted.**

**11. COMMUNICATIONS FROM THE TOWN MANAGER**

A. Request for Confirmation of Board of Election Commissioners and Democratic Candidate. Councilor Sideris moved to refer the two items to State, Federal and Regional Government subcommittee, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Kounelis moved to Suspend the Rules in order to bring forward the remainder of the agenda items after 10:30 pm, seconded by Councilor Sideris and adopted by voice vote.

B. Update on Fiscal Year 2008 Budget issues: The Manager provided an extensive overview of seven budget issues including Collective Bargaining, Snow and Ice Deficit, Gasoline for DPW, Fire Overtime, Town Attorney budget, Veterans Benefits, and Tax titles. The Manager indicated that these seven issues warrant attention, in particular, the Snow and Ice deficit. Lastly he noted that we will have our work cut out for us for the remainder of the fiscal year in trying to find additional monies.

## **12. REQUEST FOR INFORMATION**

Councilor Devaney asked for a copy of the Manager's cell phone records which were previously released to the public (see attached written request).

**13. ANNOUNCEMENTS – none noted.**

**14. PUBLIC FORUM – none noted.**

**15. ADJOURNMENT** - Councilor Sideris moved to adjourn the meeting at 11:00 pm, seconded by Councilor Corbett 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 as amended by voice vote.