

AGENDA

TOWN COUNCIL MEETING

TUESDAY, APRIL 8, 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, 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.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: March 11th and March 25th. Councilor Piccirilli moved to refer the proposed attachment to the minutes to subcommittee of Public Safety due to the technical nature of the comments. The Chair asked that the attachment be referred jointly to committee of Rules and Public Safety as a friendly amendment. So moved by Councilor Sideris and seconded by Councilor Kounelis. Councilor Falkoff asked, why the Rules committee. The Chair explained that the proposed attachment is an elaboration of comments or intended comments and the Council Rules are vague on that issue and may need further clarification. Adopted by voice vote. Councilor Sideris moved to approve the minutes of March 11th and 25th as amended, seconded by Councilor Devaney and adopted by voice vote.

4. PUBLIC FORUM – none noted.

Councilor Devaney moved to Suspend the Rules to bring forward 8A
Acceptance of proclamations honoring Election Commissioners Gertrude Broderick, George Bogosian and Demos Zevitas, seconded by Councilor Sideris and adopted by voice vote.

The Chair took the podium and stated that he has never seen a finer trio of people who

have served the community as admirably as Gertrude Broderick, Demos Zevitas and

George Bogosian. He noted that the timing is disconcerting to the members however, he

wants to go on record that this honor has nothing to do whatsoever, with the last election.

The Chair stated that they are honorable people with the highest of integrity and we can

ask no more of any appointed or elected officials. He indicated that they have decided

to step down from their appointed positions and that Watertown is fortunate to have

individuals such as these three working for them, as they are our unsung heroes.

The Chair read the proclamations. Councilor Falkoff presented a bouquet of red, white and blue flowers to the three commissioners.

The Chair stated that he hopes the three commissioners continue to serve in some capacity with the town.

Ms. Broderick and Mr. Zevitas thanked the Council for the honor and recognition.

Mr. Bogosian stated that his volunteer work has been carried out of a sense of commitment to community and done with honor and with integrity. This is bitter sweet, he noted and stated that when people are taking care of themselves they

should make sure that they are taking better care of others. Mr. Bogosian indicated that he cannot thank fellow commissioner, Demos Zevitas enough as they served together, along with Ms. Broderick, with the utmost integrity to ensure a fair and honest election.

5. PUBLIC HEARINGS AND VOTES:

- A. Public hearing and vote 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 read the agenda item and opened the hearing up to the public. There being no comments, the hearing was closed.. The Manager provided a brief overview of the financing and funding. Mr. Gerald S. Mee, Jr., Superintendent of Public Works provided an overview of the project.

It was noted that the project is in connection with the MWRA Inflow and Infiltration Local Financial Assistance Program in which funds are provided for eligible work to reduce infiltration and inflow into the sewer system. The work will include sewer and manhole replacement and rehabilitation work to fix defective pipes and manholes and a planning component to prioritize areas for future rehabilitation work (see attached description). Phase III work includes rehabilitation to Nicholas Avenue/Boylston Street; sewer rehabilitation to and Howard and Pleasant Street; rehabilitation of 20 sewer manholes; inspection of 75 sewer manholes; internal tv inspection of sewers; and engineering design and construction services.

Councilor Hecht spoke in support of the proposed loan order and asked that future presentations be made regarding where we are currently at and what future phases would entail. Mr. Mee stated that he looks forward to the invitation as our underground structures are vital to the community.

Councilor Devaney spoke in support of the loan order and stated that what you don't see, can hurt you and indicated that this loan order will take care of ground and storm water.

The Chair asked about how the grant monies will be used when the Town receives them. The Manager stated that the town will pay for 45% of the project cost and the remaining cost of 55% will be paid over five fiscal years.

Councilor Corbett asked if the work will be contracted out. Mr. Mee stated that it will be contracted out.

Upon a roll call vote, the loan order was adopted unanimously.

Councilor Falkoff asked that Mr. Mee update the Public Works committee on the sewer system, seconded by Councilor Hecht and adopted by voice vote.

Councilor Devaney spoke in support of sending the Parking Meters to subcommittee as the recent newspapers articles contained misinformation.

The Manager indicated that he is going to bring the issue up under Manager's Communication.

B. Public hearing and vote on a proposed Ordinance to Temporarily Modify Hours of

Operation of the Administration Building. The Manager provided a brief overview of the proposed Ordinance regarding summer hours for 2008. The Chair opened up the public hearing. There being no comments, the hearing was closed.

Councilor Sideris moved the Ordinance, seconded by Councilor Devaney. Councilor Devaney voice support for year round early Friday closings and urge the Manager to

consider it next year. Upon a roll call vote, the Ordinance was adopted unanimously.

6. COMMITTEE REPORTS

- A. Personnel and Town Organization Committee update on Evaluation and Compensation related matters for Town Manager and Council Clerk and action on the re-appointment of Ms. Sandra Hoffman to the Licensing Board – Stephen P. Corbett, Chair. Councilor Corbett stated that his committee met to interviewed Sandra Hoffman for appointment to the Licensing Board. Councilor Corbett indicated that the Committee was favorably impressed with Ms. Hoffman’s credentials and unanimously recommended her approval to the Town Council.

The Committee discussed at length a proposed procedure and schedule for the Manager’s evaluation process going forward. It was noted by Councilor Corbett that the proposed schedule will designate the 2nd meeting in May for the commencement of the annual review process. The evaluations would be forwarded to councilors with a deadline return date for the first meeting in June. The President would compile a summary of the evaluation and report back by the July meeting. Councilor Corbett indicated that the Personnel Committee would then begin their meetings and arrive at a recommendation for a proposed salary adjustment by September. It was further noted that input was solicited by the Committee for Councilors to forward their recommended goals and objectives for the Manager to the Committee. Those that were forwarded were considered by the Committee and a concept was discussed regarding the goals and objectives targets. Councilor Corbett reiterated his request for Councilors to forward any goals they may have. A salary adjustment for the Manager was discussed and considered along with other recent collective bargaining agreements. No formal recommendation was reached. Councilor Corbett stated that the Council Clerk’s performance evaluations were discussed and a salary adjustment was recommended by the Committee. The Manager and the Clerk’s salary adjustments will be brought forward in the near future.

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

It was noted by Councilor Corbett that the Town Auditor was not included in the discussion as he received a salary adjustment in July 2007.

Councilor Hecht expressed his appreciation to the Committee members for looking at this processes carefully with the goal in mind to systematize it, which is key.

Councilor Hecht moved to approve the appointment of Ms. Hoffman as Alternate Member of the Licensing Board, seconded by Councilor Sideris and adopted by voice vote.

- B. Economic Development and Planning Committee report on a Watertown Square Parking Study and disposition of 27 Churchill Lane – Jonathan Hecht, Chair. Councilor Hecht read the committee's report (attached). It was noted that Traffic Solutions LLC presented a draft Watertown Square Parking Study. Written comments by the Committee on the proposed draft will be submitted in the next two weeks. The Committee will also schedule public meetings for feedback on the draft from the business community and residents. The Committee also discussed the disposition of 27 Church Hill Lane. The Committee unanimously voted to auction the property and have the Manager make a recommendation on the best use for the one time revenue.

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

Councilor Hecht moved to auction off 27 Church Hill Lane and have the Manager make a recommendation on the one time revenue, seconded by Councilor Piccirilli and adopted by voice vote. Councilor Devaney recused herself from the vote.

C. Rules and Ordinances Committee report on Council Rules, Proclamations and subcommittee memberships – Angeline B. Kounelis, Chair. Councilor Kounelis provided a brief overview of the Committee's report (attached). Councilor Kounelis stated that the Committee voted to retain the three member subcommittee as in the past. The Committee decided that the matter regarding resolutions will remain as in the existing Council Rules. Several Councilors submitted proposed changes to the Council Rules. As the Committee was deadlocked, the rules will remain the same. Councilor Sideris moved to accept the committee report, seconded by Councilor Devaney and adopted by voice vote.

The Chair asked for reconsideration of the 3 member subcommittee rule.

Councilor Devaney stated that if the rules are broken, what are we voting on?

Councilor Hecht moved to waive Council Rule 11.1 in order to allow, for the time being, the four member committee so that they can continue to do their work and not reshuffle members which would cause more disruption. Councilor Hecht noted that in the future, perhaps with further discussion a process can be followed to ensure equal rights of participation for all councilors, second by Councilor Sideris.

Councilor Corbett stated that he sees no harm with allowing councilors to serve on any committee as long as they are willing to do the work.

Councilor Devaney used her Charter Privilege to Table the matter until she has received an answer from the attorney.

Councilor Kounelis spoke to the issue noting her long time friendship with the Council President but concurred with Councilor Hecht's previously stated viewpoint on the matter.

Councilor Sideris also concurred with Councilor Hecht's motion.

Attorney Reich read Mass General Law regarding the establishment of committees and stated that any governing body can adopt their own rule.

Councilor Hecht reiterated his former motion.

Councilor Devaney stated that she has already used her Charter Privilege on the issue.

Councilor Falkoff stated that Attorney Reich has provided an answered to Councilor Devaney's question and asked Councilor Devaney if she is willing to reconsider her use of Charter Privilege.

Councilor Devaney answered, no.

- D. Public Works Committee report on a proposed Resolution regarding Recycling – Susan G. Falkoff, Chair. Councilor Falkoff read the Committee report (attached). The Recycling Advisory Committees recommendations regarding recycling were discussed. The Committee unanimously approved that the Council should instruct the Manager to direct all departments including the schools to promote and increase recycling in all town buildings. With respect to the issue of town trash pickup, the Committee unanimously approved to evaluate the current fee structure and report back to the Recycling Advisory Committee which may make a recommendation to the council regarding fees. Residential curbside recycling was discussed with the Committee unanimously voting to discuss a recycling education campaign with its consultant and report back to the Recycling Advisory Committee. Regarding copier paper, the Committee unanimously voted that the Recycling Advisory Committee will invite the Purchasing Agent to an upcoming meeting and discuss the issue of the town buying recycled paper. Councilor Sideris moved to accept the report, seconded by Councilor Hecht and adopted by voice vote. Councilor Falkoff moved to amend the Committee's previous motion to include that the town

manager report back on his efforts to increase recycling in all town buildings, seconded by Sideris and adopted by voice vote.

E. State, Federal and Regional Gov't Committee report on appointments to the Board of

Election Commissioners – Susan G. Falkoff, Chair. Councilor Falkoff stated that the Committee was favorably impressed with candidates Louis Fabrizio and Bonnie Baranowski. Following their interviews, the Committee unanimously recommended confirmation of their appointments. Councilor Sideris moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote. Councilor Falkoff moved the appointment of Mr. Fabrizio, seconded by Councilor Sideris and adopted by voice vote. Councilor Falkoff moved the appointment of Ms. Baranowski, seconded by Councilor Sideris and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward remaining item under 8A . Acceptance of proclamations recognizing Armenian Genocide week, seconded by Councilor Piccirilli and adopted by voice vote. Councilor Sideris read and moved the proclamation, seconded by Councilor Devaney and adopted by voice vote.

Councilor Kounelis moved to Suspend the Rules in order to bring forward a late agenda item, seconded by Councilor Sideris and adopted by voice vote. Councilor Devaney read and moved a proclamation regarding Armenian Genocide recognition week, seconded by Councilor Sideris and adopted by voice vote.

7. INFORMATIONAL PRESENTATIONS FROM TOWN OFFICERS AND

EMPLOYEES:

A. Brief Film Presentation entitled Smoke Showing – Fire Chief Mario Orangio provided documents regarding Initial Full Alarm Assignment Capability Deployed Within 8 Minutes Minimum Staffing Level 17 and a document for Minimum Staffing Level at 19 (see attached document). Following the video presentation, Chief Orangio provided a brief update on overtime.

Councilor Falkoff thanked the Chair for bring this presentation forward as this type of information had been missing and is much appreciated.

The Chair thanked the Chief for the informative video presentation.

8. MOTIONS, ORDERS AND RESOLUTIONS:

- A. Acceptance of proclamations recognizing Armenian Genocide week and honoring Election Commissioners Gertrude Broderick, George Bogosian and Demos Zevitas – previously adopted.

B. Resolution authorizing a transfer in the amount of \$25,000 to fund the Fiscal Year 2008

Veterans' Benefits Account for the remainder of the fiscal year. The Manager provided a brief overview of the transfer. Councilor Sideris moved to approve the transfer, seconded by Councilor Hecht and adopted by unanimous roll call vote. Councilor Devaney noted that she has asked the Lt. Governor to increase that budget.

C. Resolution authorizing a transfer in the amount of \$10,000 to fund the Fiscal Year

2008 Tax Title Account for the remainder of the fiscal year. The Manager provided a brief overview of the transfer. Councilor Sideris moved to approve the transfer, seconded by Councilor Kounelis and adopted by unanimous roll call vote.

D. Resolution authorizing a transfer in the amount of \$75,000 to fund the Fiscal Year

2008 Town Attorney Litigation Account for the remainder of the fiscal year. The Manager provided a brief overview of the transfer. Councilor Sideris

moved to approve the transfer, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

E. Resolutions authorizing Execution of Certain Documents in Connection with

Coolidge School Development Project Financing. The Manager provided an overview of the documents. It was noted that the resolutions are required by the Land Court to evidence authority to execute certain documents related to the second stage of financing for the Coolidge School development project. The first resolution authorizes the Manager to sign amendments to the HOME loan documents, including an amendment to mortgage and subordination of mortgage and affordable housing restrictions. The second resolution authorizes the Manager and the Watertown Housing Partnership to sign an acceptance of special permit affordable housing restriction and a subordination of special permit affordable housing agreement and affordable housing restriction.

Councilor Kounelis stated that everyone certainly knows her thoughts on this development. She noted that the resolution included a capitalized "Town" which aroused her curiosity. Attorney Reich indicated that the town is liable to the consortium for the \$300,000 if it were to default which she noted is a lot of money. She noted that Attorney Reich stated that a default has never happened in this area, but she noted it has happened in other areas of the country. She stated that she is unhappy about it and hopes that a default does not happen. She lastly stated that she has not supported this proposal and will not support this. She noted that she will be asking under RFI what other projects in town have used HOME funds.

The Manager pointed out that one of the things with negotiations on the lease is the \$390,000 loan to the consortium. He noted that the \$14 million dollars worth of loans are coming forward to support this project. The federal monies won't be provided without a local match from the community. Mass Housing will not let this project fail over \$300,000 default as they will find another developer to get this rolling. The Manager noted that he will provide a list of projects that have used HOME funds.

Councilor Sideris stated that his concern going forward is if we ever get to the stage that we need to look for another developer.

The Manager noted that there are provisions within the lease that ensures that the project will move forward.

Councilor Devaney voiced her reservations about the project and stated that she will not vote for the resolutions.

The Chair stated that he did not support the project initially, not because of the affordable housing component, but because it was not a sound financial decision for the community and noted that he will not vote for the resolutions.

Councilor Kounelis stated that the proformas are troubling including the parking spaces issue and noted that even if monies don't come out of town coffers, it is taxpayers dollars.

To alleviate any fears, Councilor Piccirilli suggested that the Council could amend the resolution to include any contract signed under this resolution by the manager be provided to the council so that we always know what is going on.

No motion was made.

Peg Cassidy, stated that as a person sitting look at what the Council is doing, it doesn't make sense and ask that it be explained in simpler terms as she does not understand why the Town is loaning money for the project.

The Manager noted that the \$390,000 loan is not something new and we all knew for quite some time that in order to move forward with the \$15 million improvements to the building and as part of the requirements for the affordability component which is also part of the lease, that this loan was necessary. He noted that the 30 day notice as suggested by Councilor Piccirilli is problematic as this finance will occur this month.

Upon a roll call vote, the resolutions were adopted by a vote of 6 for and 3 against, with Councilors Devaney, Kounelis and Younger voting against.

9. PRESIDENT'S REPORT

The Chair recognized Councilor Hecht who stated that he is happy and pleased to report that within the last 12 hours, the Massachusetts Municipal Association recently voted to end their sponsorship with the No Place For Hate program. He noted that the MMA Board believes that unequivocal recognition of the Armenian Genocide is both a matter of basic justice to its victims as well as essential to efforts to prevent future genocides (MMA statement attached).

Councilor Hecht thanked the town council and residents of Watertown in playing a key role in this, in particular, the Armenian community who worked so hard.

Councilor Devaney thanked David Boyajian who brought this issue to life.

The Chair thanked Councilor Hecht for his work on this issue.

The Chair suggested the Manager provide skill sets and expectations for boards and commissions.

The Chair suggested the Rules Committee look at tightening up the rules and ambiguities regarding the minutes to allow for better transparency in government.

Councilor Falkoff asked if the Chair is looking for a clearer description of what the boards do?

She noted that she is derailed by the term skill set and suggested the wording "some of the skills that could be useful to the boards".

The Manager stated that this is ongoing laying out the issues, background of boards are included in the posting. We can expand upon it.

The Chair stated that it would be helpful.

10. COMMUNICATIONS FROM THE TOWN MANAGER

A. Request for Confirmation of reappointments to the Board of Assessors, Housing

Authority and Traffic Commission.

The Manager provided a brief update on an adopted resolution regarding the timing and process of appointments to boards and commissions. All required confirmations have been forwarded at this point with the remaining 6 boards being addressed after the budget.

The Manager asked for a motion to refer the parking meter issue to the Public Works subcommittee. Councilor Sideris moved the request, seconded by Councilor Devaney and adopted by voice vote.

The Manager noted that the proposed budget will be submitted two weeks from tonight and expressed his appreciation the Council allowed for the extra two weeks.

The Manager indicated that the budget schedule will commence the week of April 12th.

11. REQUEST FOR INFORMATION

Councilor Devaney requested the last 7 monthly bills from 9/07 to 3/08.

Councilor Devaney asked the Manager if he is planning on retaining the same number of fire employees. The Manager will report back.

Councilor Devaney requested a report on the Commander's Mansion and what actions you have taken on their deficit.

Councilor Devaney requested that the engineer position be filled.

Councilor Falkoff requested information on whether or not the town has applied for the grants offered by the MWRA regarding Pilot Water and Low Flow Toilet Retrofit Rebate Project (see attached).

Councilor Falkoff asked for an update on the Bus Stop situation.

Councilor Falkoff asked Attorney Reich to provide information on what other communities are doing with respect to ordinances dealing with noisy leaf blowers.

Councilor Falkoff asked if it is possible and what the Manager's opinion is on adding a representative of bicycle committee to the Traffic Commission.

Councilor Kounelis asked for a list of HOME loans that have been issued by the town which incur liability.

Councilor Kounelis asked that the Town Assessor provide a status on businesses who have applied for tax abatement and stated that it should be an ongoing document

Councilor Kounelis stated that Mr. Mee provided an overview last May on the parking meters malfunctioning and noted that she thought the matter had been rectified and concurred with them issue being sent to subcommittee.

12. ANNOUNCEMENTS

Councilor Sideris announced that the Ad Hoc Charitable Committee will meet every Monday evening at 6:00 pm starting April 28th through June to review 42 grants received.

13. PUBLIC FORUM – none noted.

14. ADJOURNMENT – Councilor Sideris moved to go into executive session at 11:00 pm, in order to discuss strategy with respect to real property and the Council will not return to open session following its adjournment in executive session, seconded by Councilor Lawn 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 as amended by voice vote on May 13, 2008.

ATTACHMENT OF TOWN COUNCIL MEETING APRIL 8, 2008 submitted by Councilor Devaney:

Omission in Minutes-under examination of minutes-

Omitted before the sentence that reads : "The Chair asked that the attachment be referred jointly to Committee of Rules and Public Safety Committees"-

COUNCILLOR PICCIRILLI made a motion to withdraw his comments from the March 25th minutes and requested that because of the technical nature of the comments, to refer it to the Public Safety Committee for further discussion.

On Page 3- Following sentence that reads: "COUNCILLOR FALKOFF asked that Mr. Mee update the Public Works Committee on the sewer system" (*this motion to refer to Public Works Committee was adopted unanimously*)

OMITTED –

COUNCILLOR DEVANEY-then made a motion to *also refer to Public Works Committee- the matter of parking meters*. She said that there has been misinformation about parking meters in the newspaper-even giving incorrect number of how many meters there are. She further pointed out that it should be the people who work for us, the Superintendent, DPW workers, the people who work with the DPW, Sergeant Deignan, to be invited to the Public Works Committee, to provide the facts and educate us. She noted that second hand from the newspaper should not be our source for factual information and that the people deserve that.

Omitted –

Following Councillor Devaney's motion to refer the matter of Parking Meters to the Public Works Committee; "The CHAIR said that it was not an agenda item and that this matter is already taken care of." The CHAIR would not allow the motion to be voted on - to have Parking Meters referred to DPW subcommittee.

COUNCILLOR DEVANEY- replied that such a motion to refer to a committee is not placed on the agenda- a Councillor, by rules, makes a motion at the meeting to refer a matter to a committee just as was done previously tonight.

PLEASE NOTE; *This parking meter motion was later taken up by the Manager under #10- Communications from the Town Manager. The Manager asked for a motion to refer parking meters to the Public Works Subcommittee. Voted unanimously by voice vote.*

On page 5- After Councillor Kounelis presented Report of the

Rules and Ordinances Committee "and Chair asked for reconsideration of the present 3 member subcommittee rule."

COUNCILLOR DEVANEY asked why the Council is voting in favor of Council rules that have been broken. She explained that the adopted rules are that each of the eight councillors serve on a three council member committee – with each councillor assigned Chair of a committee. She stated that because she informed the President he violated the rules by recently putting four(4) Councillors on a committee - *he removed her* as Chair of Public Safety Committee- and off the committee – and appointed himself to that committee. She noted that as Chair she had already held meetings on that committee. – She further noted that no Council President appoints himself. She explained she is not a Chair -while Councillors serve on four(4) and five(5) committees and are appointed as Chair of two (2) committees.

COUNCILLOR DEVANEY asked for a *point of information* to Attorney Reich if the President has to adhere to rules as all Councillors do?(referring to his breaking the rules changing committee of 3 Councillors to 4) After the attorney refused to answer, Councillor Devaney stated that the attorney always answers questions of all the other councillors- but refuses to answer her. She advised the president that a *point of information* takes precedence, as he called on a councillor while the question was placed on the floor.

Omitted -

COUNCILLOR HECHT talked about having a quorum consist of (2) members on a committee of four. (4)