

MINUTES

TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 23, 2008 AT 7:15 PM

WATERTOWN MIDDLE SCHOOL AUDITORIUM

68 WAVERLEY AVENUE

1. ROLL CALL: A regular meeting of the Town Council was called to order at 7:15 pm in the Watertown Middle School Auditorium. 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, Vice President Mark 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. ACCEPTANCE OF MINUTES: September 9, 2008 – Councilor Devaney moved to Table the minutes, seconded by Councilor Sideris and adopted by voice vote.

4. PUBLIC HEARING AND VOTE:

- A. Public hearing and vote on a petition by National Grid to install 85 feet of gas main in Bradshaw Street in order to provide service to house #55 – Harold Cooper, National Grid Representative – The Chair read the petition. Councilor Sideris moved to Table the vote to the October 14th meeting, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 6A **UNFINISHED BUSINESS FROM PRIOR MEETING:** A. Resolution requesting Blue Cross Blue Shield of MA to sever ties with the Anti-Defamation League and No Place For Hate – Councilors Stephen Corbett, Marilyn Petitto Devaney and Mark Sideris.

The Chair provided background information noting that the resolution had been unanimously postponed until tonight in order to allow Blue Cross Blue Shield an opportunity to provide a statement on the matter.

The Chair recognized Mr. John Curley, Blue Cross Blue Shield's Senior Chief Government & Public Affairs Officer who stated that Blue Cross Blue Shield of Massachusetts believes there is no ambiguity on the atrocities of the 1915-1923 genocide of the Armenian people. He noted that he has been given assurances from the ADL on this issue.

Councilor Corbett asked if this assurance was provided in writing and noted that this matter is of paramount importance and a statement from the ADL needs to be clearly worded and he has not seen any statement to that affect.

Councilor Devaney stated that the ADL needs to support a congressional resolution recognizing the Armenian genocide. Councilor Devaney read a letter she wrote to the President of BCBS on July 14th (attached).

Upon the request of the Council President, Mr. Curley explained the issue of using tax payers' monies to support the No Place for Hate program, noting that it has been a good use of funds that benefits the community.

Councilor Falkoff asked Mr. Curley if there is a difference of opinion between the National ADL and the Regional ADL.

Mr. Curley indicated that the Council should invite the National ADL to one of its meetings in order to cut through the ambiguity as it is the Council's prerogative to get to the bottom of the issue.

Councilor Piccirilli stated that the citizens are somewhat dismayed by the talking-around on this issue and the failure to come clean and be honest. He read a section of the national ADL's August statement on this issue. He noted that the statement is typical of the way the debate has been going and that this two-faced statement and action is not serving a purpose. The real question is how do you feel about

being told one thing by the ADL and have them publish something else entirely. He asked Mr. Curley what his organization is going to do about this.

Mr. Curley indicated that their relationship is with the local chapter only. He noted that BCBS asked a question to the ADL and received an answer which he is satisfied with and that while they are not pleased with the tone and tenor that came out later by the national ADL, they are not inclined to get involved in national politics.

Councilor Hecht stated that it is incumbent that BCBS of Massachusetts join with the Council in going to the National ADL to clarify this issue. He noted that the ADL's August 22nd statement is unacceptable. He further noted that the ADL is undermining the credibility and viability of the very program that BCBS puts so much stock in. Councilor Hecht indicated that the responsibility falls on all of us to demand that the ADL recognize the Armenian genocide and asked Mr. Curley to join the town and use his good office to get a response from them.

Councilor Sideris noted that the first time this matter was brought up, the local ADL director was fired after he appeared at a Town Council meeting because he riled the national ADL's feathers. Councilor Sideris echoed Councilor Hecht's request in asking BCBS to join with the town on this issue

The Chair asked Mr. Curley to reach out to the Council pointing out that the ramifications of this issue has a much larger ripple effect. He asked Mr. Curley how BCBS can work with the Town Council to help make an impact nationally.

Mr. Curley replied that BCBS of Massachusetts does not get involved in politics on a national level.

Councilor Kounelis echoed previous comments made by her colleagues and asked if BCBS was still funding the ADL program, citing a Boston Globe article on the matter.

Mr. Curley noted that BCBS has not provided funding since 2006, but that the lack of funding was more of a reflection of reviewing all non profit requests.

Councilor Lawn echoed previous comments. He asked BCBS to join with the town in providing clarity to a letter from the national ADL office which put a twist to this issue.

Councilor Corbett noted that it is a matter of principle and that BCBS is making it more complicated when it should be very straight forward. He noted that the ADL worked against a congressional resolution that would have recognized the Armenian genocide.

Councilor Devaney stated that the ADL should simply answer the question on whether or not they will support a congressional resolution recognizing the Armenian genocide when it comes up this year. She noted that she is not asking the ADL to get involved in national politics, but asking them to get involved in human rights.

Councilor Devaney moved the resolution, seconded by Councilor Corbett.

Councilor Hecht stated that we could have had a better outcome tonight and that we could have worked together toward the ultimate objective – to get the ADL to change its position. He noted that by the terms of BCBS's own statement that that is what they want as well. By their own standards, BCBS is going to leave us no choice but to ask you to sever your relations with the ADL.

Councilor Corbett read the resolution. The resolution was adopted by unanimous roll call vote.

Councilor Lawn moved to send a letter to the National ADL requesting that they attend a Town Council meeting in order to explain their position on the matter, seconded by Councilor Sideris and adopted by voice vote.

5. MOTIONS, ORDERS AND RESOLUTIONS:

A. Acceptance of Proclamations: 1. Honoring Father Theodore J. Barbas – Angeline B. Kounelis. Councilor Kounelis read and moved the proclamation, seconded by Councilor Devaney and adopted by voice vote. 2. Recognizing International Day of Peace – Clyde L. Younger. Councilor Sideris read and moved the proclamation, seconded by Councilor Kounelis and adopted by voice vote.

B. Resolution regarding the Fiscal Year 2010 Budget Process – Vice President Mark

S. Sideris. The Chair recognized Councilor Sideris who read the resolution setting the

Fiscal Year 2010 budget process. Councilor Hecht moved the matter, seconded by

Councilor Sideris and adopted by voice vote.

C. Resolution approving the Acceptance and Expenditure of a Gift of Funds in the amount

Of \$10,350.00 to offset expenses relating to the “Faire on the Square 2008”. The Chair

recognized the Town Manager who provided a brief overview of the resolution.

Councilor Sideris moved the matter, seconded by Councilor Devaney and adopted by

voice vote.

6. UNFINISHED BUSINESS FROM PRIOR MEETING:

A. Resolution requesting Blue Cross Blue Shield of MA to sever ties with the Anti-

Defamation League and No Place For Hate – Councilors Stephen Corbett, Marilyn

Petitto Devaney and Mark Sideris. Previously voted.

7. REPORTS FROM THE COUNCIL PRESIDENT – none noted.

8. COMMUNICATIONS FROM THE TOWN MANAGER

1. The 10th annual Faire on the Square will take place Saturday, September 27th from 10am – 4pm.

2. The Manager thanked all those involved in a successful Patriot Day.

The Manager provided an update regarding the General Insurance Commission (GIC). He read correspondence from the School Committee Chairman indicating their support to join the GIC in order to control health insurance costs (attached). The Manager stated that he attended a meeting with the Insurance Advisory Committee (IAC) recently and noted that their proposal of 90/10 was rejected as it was not in the best interest of the community. The Manager stated that at the current rate is 80/20 and by joining the GIC, members would save \$700,000 with the Town saving \$2 million. Additional information will be forwarded to the IAC. The Manager indicated that he will ask the committee for their favorable reconsideration of 80/20 contribution rate. The deadline to join the GIC is October 1st ; with this issue being of paramount importance.

9. REQUEST FOR INFORMATION

Councilor Sideris requested that an update be provided with respect to the Town's investment portfolio given the current events in the market.

Councilor Devaney asked the Manager to take action in filling the vacant position of the Town Engineer and a report noting the position has been unfilled for four years.

10. ANNOUNCEMENTS:

Councilor Corbett congratulated Councilor Hecht on his recent primary win in the race for State Representative and wish him every success.

Councilor Falkoff congratulated Councilor Devaney on her re-election to the Governor's Council.

11. PUBLIC FORUM:

Dan Melanson, Tappan Avenue – DPW Union Representative stated his displeasure with the Public Works Superintendent regarding an ongoing problem with pigeons in the salt shed. He noted a refusal to install a door as requested by the grievance committee. He stated that instead the use of poison was used which he stated is reckless and irresponsible to employees and citizens due to a health hazard.

DPW Superintendent, Gerald S. Mee, Jr. noted that installing a door 30 ft in height by 16 feet in width would have created an additional problem not to mention the \$84,000 cost. In all the salt sheds he has viewed comparable in size, none have doors. He noted that the pigeon issue is a union grievance and that even with a door, pigeons would still fly in the shed. Mr. Mee stated that the Town retained the services of a national pesticide company who is licensed and regulated by the State. A permit was granted by the Fish and Wildlife. He indicated that he is asking the Health Department to assist with this issue and will be looking into ultra sonic devices as a possible solution.

The Chair asked that the Town Manager and DPW Superintendent provide a report on an effective method in dealing with pigeons in the salt shed.

William Gildea, Local 1347 Fire Union – stated that he agrees with 90% of what the Manager has stated on the GIC issue and noted that he believes it is something that can be done. He stated that he believes the Council needs to adopt Chapter 32B, Section 19 coalition bargaining, along with the Manager's approval as unions do not have the right to bargain this issue.

The Chair asked Attorney Reich to explain the process.

Attorney Reich stated that the Council needs to adopt Chapter 32, Section 19 along with the approval of the statute by the Manager.

The Chair stated that given that opinion, the Council needs to take action, perhaps as a late agenda item tonight.

Councilor Devaney moved to Suspend the Rules in order to bring forward a late agenda item, seconded by Councilor Sideris.

Councilor Lawn requested that the matter be researched further with a special meeting called on the matter.

Councilor Corbett concurred and asked for more discussion on this issue prior to moving forward with a vote on the measure.

On the motion to Suspend the Rules to take up a late agenda item, it was adopted by unanimous roll call vote.

Councilor Devaney moved to place on the Table, Chapter 32B, Section 19, seconded by Councilor Kounelis.

Councilor Devaney spoke in support of adopting the measure in order to allow union representatives to discuss this issue.

Councilor Falkoff indicated that the Council can adopt the measure but cannot direct the Manager to adopt coalition bargaining; the Manager has the power to approve it or not.

Councilor Hecht stated that the chapter has changed and wanted clarification on the current statute and asked that the full chapter and verse be reviewed by Attorney Reich and if need be the Council can then call a special meeting on the matter.

The Chair asked Attorney Reich to provide his opinion on the measure.

Attorney Reich indicated that he prefers to provide a written opinion on the matter but noted that the Council must act first to adopt the section or else there is nothing for the unions to act on.

Councilor Devaney stated that adopting coalition bargaining cannot be specific to the GIC.

Councilor Sideris supported the request to call a special meeting when all information has been forwarded to the Council.

The Chair asked Attorney Reich to provide all relative information and the process with respect to Section 32, Section 19.

Councilor Lawn moved to table the matter, seconded by Councilor Sideris and adopted by voice vote.

Mr. Gildea noted that the Council has 8 days to join the GIC and should act tonight on adopting the measure.

Duke Aroni, Retirement Board Member and Retiree representative – noted that there is an 8 day window and asked how can the Council expects him to send out a ballot to 500 retirees and get a ballot back in 8 days. The time frame again is down to the wire, he noted.

Councilor Falkoff asked the Manager to comment on the issue.

The Manager noted that there seems to be a fundamental difference in opinion. The request was to have the IAC bring their proposal forward which he noted he does not support. He indicated that coalition bargaining was never brought up last Thursday.

Councilor Sideris moved to adjourn the meeting at 9:30 pm and go into executive session in order to discuss the value, taking or leasing of real property, seconded by Councilor Piccirilli and adopted by unanimous roll call vote. It was noted that the Council will not be returning to open session following the adjournment of the executive session.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on October 14, 2008 as written, by voice vote.

Clyde L. Younger

Council President