

MINUTES

TOWN COUNCIL MEETING

TUESDAY, OCTOBER 14, 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, 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. PLEDGE OF ALLEGIANCE

3. ACCEPTANCE OF MINUTES: September 9th (previously tabled) 23rd and 30th.

Councilor Sideris moved to accept the minutes of September 9th, 23rd and 30th, seconded by Councilor Falkoff 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 – Ben Doherty, National Grid Representative. The Chair recognized Mr. Doherty who provided a brief overview of the petition. The Chair opened up the hearing to the public. There being no comments, the hearing was closed. The Chair recognized Mr. Gerald S. Mee, DPW Superintendent who stated that he has approved the petition and that no correspondence/comments from abutters were received.

Councilor Sideris moved the petition, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 8 **REPORTS FROM THE COUNCIL PRESIDENT**, seconded by Councilor Piccirilli and adopted by voice vote.

The Chair recognized Brian Hebeisen, Solar Energy Committee, who provided a brief update regarding fund raising activities for solar panels at the high school. It was noted that \$17,000 were raised for a solar system with matching funds totaling \$38,000. In addition to the \$38,000 an equivalent will be put toward wind energy projects.

The Chair read a response received from Abraham Foxman, Anti Defamation League Director (attached).

Councilor Devaney noted that she received the same response last month. She noted that she does not find the response acceptable.

The Chair stated that he has asked for an update regarding the town's financial status with respect to the investment crisis. He noted that the Retirement Board will look into their investments with their money management groups and provide an update as soon as possible.

Councilor Devaney moved to reconsider the vote on the adopted minutes for September 9th and 30th, seconded by Councilor Corbett and defeated by a roll call vote of 3 for 5 against with Councilors Devaney, Corbett and Kounelis for and Councilors Hecht, Falkoff, Sideris, Piccirilli and Younger against.

5. COMMITTEE REPORTS:

A. Committee on Personnel and Town Organization report and action on re-appointments to the Board of Assessors – Stephen P. Corbett, Chair. The Chair recognized Councilor Corbett who read the committee's report (attached) on the reappointments of Mr. Loughlin, Mr. Moynihan and Mr. Darby. It was noted that the Committee unanimously recommended the reappointments to the Council. Councilor Sideris moved to approve the report, seconded by Councilor Falkoff and adopted by voice vote. Councilor Corbett read and moved the reappointments of the three candidates, seconded by Councilor Devaney and adopted by voice vote.

- B. Joint Committee of Public Works and Personnel and Town Organization report regarding the Organizational structure of the Department of Public Works.- Susan G. Falkoff and Stephen P. Corbett, Chairs. The Chair recognized Councilor Falkoff who read the committee's joint report (attached). Documents were reviewed by the committee regarding the organizational structure of the public works department. It was noted that water billing has increased from twice a year to four times a year. Mr. Mee has requested that a billing clerk position be added for this time consuming job. The town engineer position, qualifications and duties were reviewed. Mr. Mee provided recommendations regarding restructuring this position to include other duties. An updated chart will be forwarded to the committee by Mr. Mee. Bacon Street pending issues were reviewed and Mr. Mee will follow up with the committee at its next meeting. Councilor Sideris moved to accept the report, seconded by Councilor Kounelis and adopted by voice vote.

6. INFORMATIONAL PRESENTATION:

- A. Informational Presentation on the Proposed Decision Making Process for sidewalk, planting strips, curbing and parking – Steven Magoon, Community Development and Planning Director. The Chair recognized Mr. Magoon who provided a power point presentation regarding a proposed process for sidewalks, planting strips, curbing and parking (attached). Mr. Magoon outlined the objectives; defined issues; public safety issues; time constraints regarding such projects; departments involved in the process; primary needs of residential streets, main streets; flexibility within the project; condition/eligibility for curbs, etc; various issues to be addressed by the Working Group and implementation. Mr. Magoon indicated that a draft policy provided by an established Working Group will be brought forward to the DPW subcommittee and then the Council for adoption.

Councilor Falkoff suggested that the proposal be presented to the entire council before it is referred back to the subcommittee.

Councilor Falkoff also spoke in support of getting a draft policy that is consistent with the state policy. Councilor Corbett stated that he looks forward to seeing what the composition of the working group will look like and who will chair it. Councilor Kounelis spoke on the issue of growth, vitality and the importance of looking at all aspect of parking. Councilor Hecht stated this issue affects all aspect of life in town. He asked what the Council should be thinking of regarding eligibility of curbs, is it engineering – or something else, like costs.

Mr. Magoon stated that clearly it is not just one issue, you can design a solution – but cost constraints affect any project. Planning perspective is broader.

Councilor Hecht asked whether the threshold is affected by other factors – whether engineering circumstances are considered separately apart from costs, planning, etc. He noted that he would not want to have the issue of curbs be driven the other way around.

Councilor Devaney stated that some streets cannot accommodate granite curbs, such as was the case with Spruce Street.

Councilor Sideris spoke in support of the importance of flexibility

Councilor Falkoff spoke in support of various departments working together regarding this issue and moved to approve the establishment of a working group, seconded by Councilor Sideris and adopted by voice vote.

The Chair stated that he is compelled to make a statement. He noted that he made a decision at the September 30th special meeting which was the appropriate decision. He voiced concern that after the vote not to include comments to the September 30th minutes, a councilor circumvented the process by copying the comments and distributing them to the media and audience members, which he noted has to cease if the Council is to work as a team. He spoke in support of moving forward as a collective body.

7. MOTIONS, ORDERS AND RESOLUTIONS:

- A. Action on the Organized Crime Drug Enforcement Task Force lease. The Manager provided an overview of the processing with respect to the above stated matter. He noted that all costs incurred by the town will be reimbursed by the federal government and Attorney Reich as well as Police Chief Deveau will provide a summary.

Councilor Kounelis moved to release executive session discussions/conversations/minutes regarding the lease at One Arsenal Place, seconded by Councilor Sideris and adopted by roll call vote.

Attorney Reich summarized the ten year lease at One Arsenal Place, which has a five year extension at the will of the Council between the town and the OCDEF, which will be the

intended sub-tenant. One Arsenal Place will be a very controlled, high technology command center for the OCDEF. The agreement and comprehensive lease includes all costs will be reimbursed by the federal government.

The Chair recognized Police Chief Edward P. Deveau who stated that the federal justice department will oversee this task force. The mission of the strike task force, he noted is to dismantle money laundering organizations in the area. Chief Deveau indicated that it is an honor for the town to be selected to host this entity. Direct benefits will include assets of forfeitures through the courts that will include money, equipment, and vehicles. This will also give the town the ability to fund training for officers and allow community policing initiatives to continue and expand. Indirect benefits will include the task force's presence in town.

1. Confirmation of the approval of the lease between the Town and WaterPart, LLC at One Arsenal Place for the benefit of the federal Organized Crime Drug Enforcement Task Force. Councilor Sideris moved to approve the lease, seconded by Councilor Devaney. Councilor Falkoff stated that she will not be voting in support of the lease as the presence of the strike task force will bring with it dangerous weapons and she does not believe this is the kind of development that would most benefit the town. Councilor Kounelis stated that most of her questions have been answered to her satisfaction. She noted that unless the Council goes forward with the lease, legal fees will not be recouped. She stated that indirect benefits will go toward the police department. She read a statement by the police department noting the use of the word "consider using the funds". She asked that the word "consider" be removed and that the benefits go toward the budget first and police initiatives second. She noted that her constituents are concerned about taxes and something needs to be done to offset needs of the police department and to be taken out of the budget. She indicated that she will support the lease with mixed emotions.

The Chair suggested striking the word "consider". The Manager stated a more recent memo dated October 9th references the monies will allow for additional training, etc that the budget does not allow (attached). He reiterated his previous statements in executive session that the end result is a better trained and equipped police department.

Councilor Kounelis stated that citizens are looking for direct monetary benefits.

Chief Deveau stated that seizure monies cannot be used for the budget. The memo, he noted, is worded in a particular way because that is what is allowed as he does not want the public to be misled regarding seizure monies.

Councilor Falkoff noted the word "utilized" is used in the memo as well as the word "consider" and asked that for consistency the word "consider" be used throughout. Chief Deveau stated that he would be in support of that change.

Councilor Devaney noted that the memo used the word "may" and requested the word "shall" be used in its place.

Attorney Reich stated that there is no benefit to the town to use the word "shall" in place of "may" as the word "shall" places more restrictions on the town.

Councilor Corbett spoke in support of the lease.

Councilor Falkoff stated that she does not see the connection between hosting the task force and receiving seizure funds. She asked if other towns that do not host the task force receive seizure funds.

The Chief stated that in order to receive seizure funds, you would have to apply for the benefit and noted that Cambridge receives funds.

Councilor Hecht spoke in support of the proposal, pointing out that the federal government cannot enter into a lease with the property owner. He indicated that they need our help to do that and we are in a position to help them and in light of the important work that they are doing we should be willing to assist them.

Councilor Kounelis stated for the record that she has concerns about the parking. She noted that although they meet the town's bylaws it could still be a problem, citing the fitness center parking problems on Arlington Street.

Councilor Devaney stated this proposal will support police programs and hopes that it will also be a direct benefit in the fight against crime at the Watertown Mall.

Upon a roll call vote, the matter was adopted 7for and 1 against with Councilor Falkoff voting no 7-1-0.

2. Resolution authorizing the establishment of a Revolving Fund to account for the Organized Crime Drug Enforcement Task Force lease activity during Fiscal Year 2009. The Manager provided an overview of the revolving fund. Councilor Sideris moved the matter, seconded by Councilor Piccirilli and adopted by a roll call vote of 7 for, 1 against with Councilor Falkoff voting no 7-1-0.

3. Resolution authorizing a transfer of \$70,000 from the Fiscal Year 2009 Town Council Reserve account in order to fund the first month of rent plus any expenses thereunder with such sum being reimbursed by the federal government in accordance with the Reimbursement Agreement with the Organized Crime Drug Enforcement Task Force. The Manager provided an overview of the matter. Councilor Sideris moved the matter, seconded by Councilor Piccirilli and adopted by a roll call vote of 7 for, 1 against with Councilor Falkoff voting no 7-1-0.

8. REPORTS FROM THE COUNCIL PRESIDENT – previously presented.

9. COMMUNICATIONS FROM THE TOWN MANAGER:

A. Report on the tentative Memorandum of Agreement with the Public Employee Committee transferring the Town's group health insurance coverage to the Group Insurance Commission as of July 1, 2009; and to request various transfers in anticipation of funding related Collective Bargaining Agreements. The Manager noted that the number one ranked goal by the Council was the keep health insurance costs down. The Manager stated that his budget message indicated that meetings would be taking place in order to address this matter with the various employee groups. At a recent meeting the Manger indicated that he asked the groups to move forward with GIC as a way to control health insurance costs. The Manager walked the Council through the Memorandum of Agreement (attached). The Manager elaborated on retirees' health insurance coverage noting that coverage was raised from 50/50 to 60/40 with respect to indemnification and related coverage. All documents were signed prior to 5pm tonight and faxed to the insurance commission. The Manager thanked the Council for their policy guidance and employees for their support in moving forward. The thanked Mr. Tracy and Ms. Shattuck for their work on the related late agenda item transfers. The Manager also stated that Attorney Fair's presence and hard work was critical to this matter.

Councilor Sideris moved to bring forward four late agenda item transfers, seconded by Councilor Corbett and adopted by voice vote.

The Manager reviewed the Library, Police, DPW and Town Hall Associate transfers and terms of agreement for Fiscal Year 2009 increasing wage base by 3.5%.

Police Supervisors and Firefighters agreement will be brought forward two weeks from tonight.

Councilor Sideris moved the Library Union agreement transfer in the amount of \$42,307.00, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

Councilor Devaney moved the Police Association Union agreement transfer in the amount of \$136,728.00, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

Councilor Devaney moved the first Public Works Union agreement transfer in the amount of \$43,288.00, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

Councilor Devaney moved the second Public Works Union agreement transfer in the amount of \$29,078, seconded by Councilor Falkoff and adopted by unanimous roll call vote.

Councilor Devaney moved the first Town Hall Associates agreement transfer in the amount of \$96,552.00, seconded by Piccirilli and adopted by unanimous roll call vote.

Councilor Devaney moved the second Town Hall Associates agreement transfer in the amount of \$5,000, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

The Chair asked that the Chair of the Budget and Fiscal Oversight committee meet on future budget issue. So moved by Councilor Sideris, seconded by Councilor Piccirilli and adopted by voice vote.

The Chair as well as Councilors thanked employees, the Manager and his staff for their hard work on moving forward with the GIC.

Councilor Piccirilli pointed out that the School Committee and school employees played an important role in making this happen as well.

10. REQUEST FOR INFORMATION

Councilor Kounelis noted that with respect to communications, the Council was not kept in the loop by the Manager regarding various matters.

Councilor Kounelis stated that with respect to Aggregate Concrete returning to the site, anything that goes on in that property, mitigation monies should be sought.

Councilor Devaney stated that the police department did not put out notices regarding sidewalk work being done on Acton Street. She requested that the same materials be used on their sidewalks as soon as possible and that in the future abutters be noticed when work is being done.

She stated that no one was noticed when the Browne School was demolished.

Councilor Sideris stated that the Police Station Building Committee was not involved in the work as it was done through the public works department.

Councilor Devaney asked for a report back when the sidewalks are completed.

The Chair stated that having the conduit to the new police station installed through Acton Street was less disruptive to residents than going through Main Street.

11. ANNOUNCEMENTS

Councilor Hecht announced that on Thursday, October 16th 7-9pm, Watertown Community Foundation will be providing a presentation on emergency assistance to Watertown's most vulnerable residents.

Councilor Piccirilli thanked Superintendent Gerald Mee for replacing sidewalks in front of Lowell School.

The Chair announced an invitation to an Open House – Mt. Auburn Hospital, Friday November 14th to tour a new wing at the hospital.

12. PUBLIC FORUM – none noted.

- 13. EXECUTIVE SESSION** There being no further business to come before the Council, Councilor Sideris moved to go into executive session at 9:30 pm in order to discuss real property and not to return to open session following the adjournment, 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 as written, on October 28, 2008 by voice vote.

Clyde L. Younger, Council President