

**MINUTES  
TOWN COUNCIL MEETING  
TUESDAY, MARCH 10, 2009 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, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Councilor Hecht arrived at 7:20 pm after the call of the roll. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

**2. PLEDGE OF ALLEGIANCE**

There was a Moment of Silence for former House Speaker, George Keverian.

3. **ACCEPTANCE OF MINUTES:** February 24, 2009. Councilor Sideris moved to accept the minutes as written, seconded by Councilor Kounelis and adopted by voice vote.

**4. PUBLIC FORUM: None noted.**

**5. PUBLIC HEARING AND VOTE:**

- a) Public hearing and vote on a Proposed Loan Order authorizing the Town Treasurer with the approval of the Town Manager to issue refunding bonds in the amount not to exceed \$12,500,000, pursuant to G.L. c.44, §21A or any other enabling legislation to refund all or a portion of the remaining amounts of the Town's School Project Loan Act of 1948 Bonds dated August 15, 1997, Municipal Purpose Loan of 1998 Bonds dated October 15, 1998 and Municipal Purpose Loan of 2000 Bonds dated November 15, 2000; that the refunding bonds shall be issued in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the

Town Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust or escrow agreement with a bank or trust company.

The Manager provided an overview of the Order to issue refunding bonds in the amount not to exceed \$12,500,000. It was noted that this is a good government matter that will save over \$1,035,000. and the taxpayers of Watertown over \$500,000.

The Chair opened up the hearing to the public. There being no comments, the hearing was closed.

Councilor Sideris moved the Order, seconded by Councilor Falkoff and adopted by unanimous roll call vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 7 Presentations, seconded by Councilor Devaney and adopted by voice vote.

**INFORMATIONAL PRESENTATION:**

- a) Informational Presentation on Verizon's continued enhancement of telecommunications services within the Commonwealth and Verizon's FiOS plans for the Town of Watertown – Stanley J. Usovicz, Jr., Regional Director, External Affairs, Verizon. The Chair recognized Mr. Usovicz who explained the process with respect to having Verizon Fios in Watertown. He stated that each year Verizon will negotiate with 20-25 communities. Each community is a costly and complex venture with capital put aside each year for expansion. Verizon will make a determination based on demographics and the engineering challenges as well as existing competition. He noted that Watertown is densely populated and thus will bring considerable challenges to the work.

Following an inquiry from Councilor Hecht, Mr. Usovicz noted that Waltham, Somerville and Newton have Verizon Fios.

Councilor Devaney asked what the Council can do to expedite the matter.

The Manager suggested a motion urging Verizon to bring Fios to Watertown.

The Chair suggested writing a letter to Verizon indicating the legislative body's interest.

Councilor Sideris moved that the Council President write such a letter of interest, seconded by Councilor Piccirilli and adopted by voice vote.

- b) Informational Presentation on Autism and Autism Services – Michael Shepard and Elisabeth Schaefer, Director of Student Services. The Chair recognized Mr. Shepard who provided a power point presentation highlighting the faces of Autism; its financial and educational challenges; other school districts; the needs of families; and the benefits to the community (attached information).

Councilor Devaney asked how many autistic students in Watertown. Mr. Shepard indicated there are 70 students.

Councilor Hecht stated that this is an insurance issue and that there is currently legislation in the State legislature that will require insurance companies to cover autism services. Councilor Hecht asked that Mr. Shepard provide an outline of the arguments and objectives and anticipates some of the objections forwarding them to him at the State House.

The Chair suggested that the Council write a letter of support for the proposed legislation addressed to Councilor Hecht as Watertown's Representative in the General Court.

Councilor Sideris moved to have the Council President write such a letter of support on behalf of the Town Council, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Devaney invited Mr. Shepard to a Commission on Disabilities meeting, to which she is a member of. She encouraged the School Committee to forward such a letter to Councilor Hecht.

- c) Informational Update on the Pleasant Street Construction Project which will commence later this month - Gerald S. Mee Jr., Superintendent of Public Works.

The Chair recognized Mr. Mee who provided an update on the Pleasant Street construction project. He noted that the update is a positive one and long time coming, nearly twelve years in the waiting. He noted that the low bidder, Newport Construction, has local roots and will try to fast track the project for the Town. Mass Highway has signed the contract and will over see the project. It was stated that Watertown will be held liable for cost overruns. Mr. Mee stated that due to this new law, he will be monitoring traffic mitigation issues closely. It was stated that there will be new traffic intersections at Rosedale Road and Myrtle Street, along with the planting of 30 new trees; eleven fire hydrants replaced; nine additional fire hydrants and the installation of a new gas line. Mr.

Mee gave acknowledgement to the resident and business owners who donated easements to the town for this project.

Mr. Charles Laenhagen, 111 Pleasant Street asked a number of questions regarding the scheduling of the work. Mr. Mee stated that schedule notices will be sent to all abutters of Pleasant Street.

Councilor Kounelis thanked Mr. Mee for his work on securing monies for this project.

Councilor Piccirilli stated that this work will truly transform Pleasant Street. He asked that Mr. Mee forward a timeline of the construction work, especially the timeframe when the old roadway is dug up leaving behind a dirt road for a period of time.

Councilor Devaney asked how the dangerous curve at 111 Pleasant Street will be addressed. Mr. Mee stated that the Town will take 8 feet of property to soften the curve.

Councilor Hecht asked how confident Mr. Mee was in having Mass Highway, who is currently understaffed, to oversee the project, given that the town will be responsible for any overruns that exceed 10%. Mr. Mee stated that it will be crucial to monitor closely traffic mitigation and noted that there are always unknowns to any project, including hazmat issues as with underground spills that may exist relating to Quincy Cold Storage.

Councilor Hecht requested quarterly updates from Mr. Mee.

Ms. Elaine Wayland, 111 Pleasant Street – asked a number of questions including truck exclusions. Mr. Mee noted that the designated truck route will remain at Howard Street and indicated that unless otherwise noted, trucks can traverse public roads at will. Mr. Mee also stated that there are currently, no plans to conduct night work on the project.

The Chair Mr. Mee for this informative presentation.

## **6. COMMITTEE REPORTS:**

- a) Committee on Public Works report and action on appointments to the Conservation Commission and Environment & Energy Efficiency Committee; and an update regarding water/sewer issues – Susan G. Falkoff, Chair.

The Chair recognized Councilor Falkoff and Councilor Piccirilli who read the committee report regarding appointments to committees and water and sewer fees. Councilor Falkoff moved to accept the report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Falkoff moved to accept the committee's recommendation of water and sewer charges, seconded by Councilor Piccirilli.

Councilor Hecht suggested that the Council have a vote on the water and sewer fees and charges at the next meeting, giving the public a chance to digest the information provided tonight. Councilor Falkoff concurred.

Councilor Kounelis spoke in support of the need for further review of the fees for sewer back up. She noted that the first call should be free of charge.

Councilor Devaney stated that residents should not be punished for having multiple calls related to sewer back ups. She noted that some people live in areas where they have no control of the sewer backups. Councilor Devaney stated that there is nothing on the agenda stating that fees would be voted on tonight.

Attorney Reich stated that there is no requirement for a public hearing on this matter and that if a legal ad was to be placed in the local paper, the matter could not come up at the next meeting, due to time constraints with advertisements.

It was decided that the fees would be placed in the local paper for a public hearing and vote in April.

Councilor Falkoff moved the reappointment of Maria Rose to the Conservation Commission, seconded by Councilor Devaney and adopted by voice vote.

Councilor Falkoff moved the reappoint of Louis Taverna to the Conservation Commission, seconded by Councilor Devaney and adopted by voice vote.

Councilor Falkoff moved the appointment of David Conroy to the Environment and Energy Efficiency Committee, seconded by Councilor Devaney and adopted by voice vote.

- b) Committee on Rules and Ordinances report on proposed Section 16 Removal of Snow and Ice from Sidewalks by Owners of Record – Angeline B. Kounelis, Chair.

The Chair recognized Councilor Kounelis who provided a verbal summary of the meeting (see attached written report). Councilor Kounelis stated that approximately thirty five people were in attendance to discuss the pros and cons of the proposed snow and ice removal ordinance, with valid points being made on both sides of the issue.

Councilor Falkoff provided an update on the matter by reading a statement (attached). She noted that there was a consensus that snow and ice should be removed from the sidewalks, but disagreements on the best way to accomplish this.

Councilor Falkoff moved to withdraw her proposed ordinance, seconded by Councilor Sideris and adopted by voice vote.

Councilor Falkoff read and moved a substitute resolution that helps those who cannot shovel, with the removal of snow and ice from their sidewalks by providing them with a list of volunteers, seconded by Councilor Devaney (attached).

Councilor Devaney thanked Councilor Falkoff for the substitute resolution noting the importance that consideration and assistance be given to the town's senior population and condo owners, as well as others who may be unduly burdened by the previously proposed ordinance.

Upon a request, Attorney Reich clarified the issue of liability to property owners regarding the removal of snow and ice from sidewalks referencing a written opinion by legal counsel. Attorney Reich indicated that the Town's liability is only related to the defect of a sidewalk and not the accumulation of snow and ice. For private property owners, possible liability would only result if the owner created a hazardous condition (see attached case law).

Councilor Kounelis stated that the subcommittee has no recommendation, as Councilor Falkoff had stated that she would be withdrawing the ordinance.

The resolution was adopted by unanimous roll call vote.

**7. INFORMATIONAL PRESENTATIONS: PREVIOUSLY TAKEN UP.**

**8. MOTIONS, ORDERS AND RESOLUTIONS- none.**

**9. PRESIDENT'S REPORT**

The Chair stated that the Town Auditor has not received compensation for Fiscal Year 2009 and asked that the matter be referred to subcommittee.

Councilor Falkoff moved to refer the matter to Personnel and Town Organization, seconded by Councilor Lawn and adopted by voice vote.

The Chair handed out a spread sheet and noted that the School's have projected a very stark budget and asked that the Chair of the Committee on Budget and Fiscal Affairs work with the school department.

Councilor Kounelis stated that the Rules and Ordinance Committee had previously indicated that they would meet again within 30 days to continue discussions on a proposed Marijuana ordinance. She noted however, that she has been advised that there is pending legislation at the State level and that the Committee will wait on that legislation where there would be uniformity, before calling any additional meetings.

Councilor Sideris stated that due to unresolved issues in the budget, the Budget and Fiscal Oversight Committee is asking an additional two weeks to return with a formal recommendation regarding the Capital Improvement Program FY 2010-2014 to the Council. Councilor Falkoff moved to delay the report until March 24<sup>th</sup>, seconded by Councilor Devaney and adopted by voice vote.

Councilor Sideris moved, pursuant to the Home Rule Charter, to allow the Manager a couple of more weeks to submit a proposed budget so that the Manager can continue to look at more options to the budget dilemma, seconded by Councilor Falkoff and adopted by voice vote.

## **10. COMMUNICATIONS FROM THE TOWN MANAGER**

a) Update on Fiscal Year 2009 Budget issues. The Manager provided an overview of snow and ice deficit of \$1.3 million. A portion of that deficit has been offset by unfilled vacancies. There is a remaining deficit of approximately \$600,000.

b) Update on Fiscal Year 2010 Group Insurance Commission Rates. The Manager provided an update on GIC and noted the additional savings of \$700,000 above previously stated savings the Manager had predicted in October of 2008.

Councilor Hecht stated that the Manager highlighted just how critical joining the GIC was for the town and employees. The projected budget, if we had not joined the GIC, would have been nearly \$4 million dollars more, he indicated.

## **11. REQUESTS FOR INFORMATION – none noted.**

## **12. ANNOUNCEMENTS**

Councilor Lawn announced that the Watertown Boys High School basketball team won their Division III tournament and will proceed to a final tournament at the Worcester Centrum.

Councilor Hecht announced a meeting on Thursday, March 12<sup>th</sup> at 6:30pm on Nonantum Road Project Improvements at the Community Towing Boathouse.

## **13. PUBLIC FORUM – none noted.**

**14. EXECUTIVE SESSION** There being no further business to come before the meeting, Councilor Sideris moved to adjourn the meeting at 10:30 pm, and go into executive session to discuss strategy with respect to litigation, seconded by Councilor Falkoff 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 of March 10, 2009 were adopted on April 14, 2009 by voice vote.

Clyde L. Younger, Council President