

MINUTES

TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 28, 2006 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 Corbett, Marilyn M. Petitto Devaney, John A. Donohue, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Stephen E. Romanelli, Mark S. Sideris, Vice President 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

The Chair called for a Moment of Silence for the passing of Barbara Bartley, Joanne Frissoli and Thomas Gregory.

3. EXAMINATION OF MINUTES: February 14th. Tabled.

Councilor Devaney moved to bring forward agenda item 6A – Vote to accept Massachusetts General Law, Chapter 32B, Section 19 regarding Coalition Bargaining by Councilor Marilyn M. Petitto Devaney. The Chair recognized Councilor Devaney who provided a brief overview of the subject matter and noted that Coalition Bargaining will save taxpayers money by eliminating legal fees, will seek competitive bids, help keep rates at 90/10%, and enhance trust through open communications between union members and the Town Manager.

The Chair recognized John Brouder, Boston Benefit Partners, LLC who assists private and public sector clients in the design, procurement and implementation of medical, dental, life and disability insurance programs. Mr. Brouder indicated that his research interests include

benefit plan design, labor-management cooperative efforts and benefit communications. He has assisted the towns of Tewksbury, Methuen, Dracut, Melrose and Lexington through the Coalition Bargaining process.

Councilor Devaney moved to place the matter on the Table, seconded by Councilor Romanelli.

The Chair opened the discussion up to the public and recognized:

1. William Gildea, Union President Local 1347 firefighters – stated that he wants to work with the Town Manager and that Coalition Bargaining will address the issue of health insurance costs. He indicated that he is willing to do the work and make compromises.

2. Richard Hoover, Irving Park – spoke in support of Coalition Bargaining and applauded Councilor Devaney for bringing the matter to the attention of the Council. He also spoke in support of this subject matter being referred to a subcommittee of the council for further discussion.

3. Thomas Thibeault, Chairman of the Retirement Board – spoke in support of Coalition Bargaining as a way of giving a voice to retirees, and cutting costs of legal fees.

4. Duke Arone, retiree and member of the Retirement Board – indicated that he wants to give the retirees a say in their health insurance costs.

The Chair recognized the Town Manager who stated that he wished to discuss this subject matter in executive session.

Councilor Devaney indicated that she would not vote to go into executive session and this matter is inappropriate for executive session.

Councilor Sideris asked attorney Reich for a legal opinion on whether this subject matter was a matter for executive session.

Attorney Reich stated that coalition bargaining is a matter under collective bargaining and is a subject that falls under executive session privilege.

Councilor Devaney stated for the record that she would like to challenge the legal opinion of attorney Reich.

5. Anthony Ferolito, retired firefighter – stated that Coalition Bargaining is a win-win proposition and spoke against this being discussed in executive session.

The Chair recognized Councilor Kounelis who queried if all unions are on board with Coalition Bargaining.

6. Charles Dupruis, Police Association President – stated that he would like the unions to be given the ability to see where the cuts can be made instead of an automatic increase to 80/20%.

7. Kathy Lenihan – spoke in support of coalition bargaining to counter rising health insurance costs.

8. Kay Westcott, Library Union – spoke in support of coalition bargaining.

9. Steve Russo, DPW union representative – spoke in support of coalition bargaining.

10. Nancy Scott, Town Hall Associates – spoke in support of coalition bargaining.

11. Lorraine Torelli, School Dept. Secretary Union – spoke in support of coalition bargaining.

12. Bill Gildea, Local 1347 firefighters – spoke in support of coalition bargaining.

13. Bill Fratto – Watertown Education Association – spoke in support of coalition bargaining.

Councilor Sideris asked attorney Reich what if coalition bargaining does not work, what are the options.

Attorney Reich stated that it can be rescinded.

Councilor Corbett spoke in support of a sunset provision.

Attorney Klein stated that a sunset provision cannot be placed in the resolution voted tonight but can be built into an agreement between the parties.

Councilor Corbett indicated that he has heard only one side of the issue and would like to hear all sides.

Councilor Romanelli spoke against going into executive session and asked why anyone would be against Coalition Bargaining.

The Chair spoke in support of a trial run and for a sunset provision as requested by Councilor Corbett.

Attorney Klein stated that a sunset provision is a good idea but did not know if it could hold up legally.

The Manager indicated that according to the Home Rule Charter, the Town Council may not get involved in collective bargaining issues and that this issue is for discussion in executive session and that coalition bargaining is not in the best interest of the Town.

Councilor Devaney made a motion to accept Chapter 32B Section 19 with the understanding that the manager and the bargaining unit take up a sunset provision, seconded by Councilor Romanelli.

Councilor Hecht stated that he is open to the idea of coalition bargaining but that the Council is rushing along too fast. He indicated that salaries need to be talked about together with health insurance costs.

Councilor Sideris disagreed that the Council is moving too fast and indicated that rising insurance costs and coalition bargaining is not a new issue. He spoke in support of giving coalition bargaining a trial run.

Councilor Romanelli moved the Question. Upon a roll call vote, the motion to accept Chapter 32B, Section 19 regarding Coalition Bargaining was adopted by a vote of 7 for and 2 against, with Councilors Hecht and Lawn voting against.

4. PUBLIC FORUM – none noted.

5. COMMUNICATIONS AND REPORTS FROM TOWN OFFICIALS & EMPLOYEES:

A. Informational Presentation on ongoing issues between Watertown Community Access Corporation and Comcast. The Chair recognized Mr. Peter Zadwadzki, Executive Director of Watertown Community Access Corporation stated that all the necessary equipment with respect to Comcast will be installed by this Friday and that he did not anticipate any more problems with the access channel. Mr. Zadwadzki indicated that by Friday there will be a direct link to the Needham station.

Councilor Sideris reiterated his past comments with respect to Comcast and stated that he won't believe it until he sees it. Councilor Sideris requested that parking issues be addressed.

Councilor Devaney stated that Comcast has provided unacceptable service to residents. She further indicated that the access channel should be non-political and that she has received complaints regarding this. She also requested that seniors receive a discounted rate.

The Chair thanked Mr. Zadwadzki for the update.

B. Informational Presentation on requests for Federal Appropriation Funds in Collaboration with Congressman Markey's Office. The Chair recognized Mr. Gregory P. Watson, Director of Community Development and Planning and Mr. Gerald S. Mee, Jr., Superintendent of Public Works. Mr. Watson indicated that sensitive information has been forwarded to Councilors and that he would like to move forward with the information along with Congressman Markey's Office with respect to Pleasant Street. He requested policy guidance from the Council to move forward as indicated in his correspondence to the Council. Councilor Devaney moved to authorize Mr. Watson to move forward with the outlined Transportation Improvement Program with Mass Highway and Congressman Markey's Office, seconded by Councilor Romanelli and adopted by voice vote.

C. Informational Presentation update on proposed Coolidge School Reuse Project by Mitchell Properties – postponed until March 14th Town Council meeting.

6. MOTIONS, ORDERS AND RESOLUTIONS:

A. Vote accepting Massachusetts General Law, Chapter 32B, Section 19 regarding Coalition Bargaining – requested by Councilor Marilyn M. Petitto Devaney – previously voted.

B. Request of a vote to reconsider past practice in which the Councilor who sponsors an initiative is the Councilor who shall sign said initiative – requested by Councilor Marilyn M. Petitto Devaney. The Chair recognized Councilor Devaney who spoke in support Councilors signing resolutions that they sponsor as in the past and moved the matter, seconded by Councilor Sideris for discussion purposes.

Councilor Kounelis stated that as a member of the Rules Committee, she has no objection to reinstating the initiative as requested by Councilor Devaney tonight.

Councilor Hecht stated that it is worth taking a second look at this at the subcommittee level.

Upon a roll call vote, the resolution was defeated 4-5.

Councilor Sideris concurred in referring it to Rules and Ordinances and moved the matter, seconded by Councilor Donohue and adopted by voice vote.

7. PRESIDENT'S REPORT

The Chair asked for a motion for a late agenda item regarding a proclamation for Youth Art Month to be presented to the School Committee. Councilor Romanelli moved to Suspend the Rules for a late agenda item, seconded by Councilor Kounelis.

The Chair read a proclamation supporting March 2006 as Youth Art Month in the schools. Councilor Romanelli moved to adopt the proclamation, seconded by Councilor Kounelis and adopted by voice vote.

8. COMMUNICATIONS FROM THE TOWN MANAGER

A. Brief Update on upcoming auction of 124 Riverside Street. The Chair recognized the Manager who announced that an upcoming auction of 124 Riverside Street would take place on Wednesday, April 19th at 11:00 AM and that the property can be viewed on April 15th.

The Manager announced that there are openings for the Citizens Police Academy scheduled for March 13th.

9. REQUEST FOR INFORMATION

Councilor Kounelis spoke in concern regarding water bill readings and requested a presentation for the March 14th Town Council meeting on Water Bills and their reading cycles and billing timeframes.

Councilor Sideris asked for a written report with respect to outstanding payment issues with the new Public Works facility and final closeout and potential litigation.

The Chair requested that other options be explored with respect to the closing of branch libraries, including renting space to have books delivered to the branches. The Chair asked that this matter be referred to the Human Services meeting scheduled for this Thursday at 7pm. Councilor Devaney announced that she is opposed to any closing of the branch libraries. Councilor Lawn stated that this is a first step in communications with the Library Trustees on this subject matter and that as Chairman of the Human Services Committee he will look to have full and open discussions.

10. ANNOUNCEMENTS

Councilor Devaney announced that she will be placing on the agenda a presentation regarding Prescription Drugs from Canada.

Councilor Devaney updated the Council on her communications with the Governor on the previously adopted Nonantum Road resolution and referred to several communications

between her, Governor Romney and Stephen Burrington of the Department of Conservation and Recreation (attached).

11. PUBLIC FORUM – none noted.

12. ADJOURNMENT – There being no further business to come before the Council, Councilor Devaney moved to adjourn the meeting at 10:15 pm, seconded by Councilor Romanelli 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 on March 28, 2006.

Clyde L. Younger, Council President