

MINUTES

TOWN COUNCIL MEETING

TUESDAY, APRIL 11, 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 Steven Corbett, Marilyn M. Petitto Devaney, John A. Donohue, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Stephen E. Romanelli, Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Council Clerk Valerie Papas, Town Manager Michael J. Driscoll and Town Attorney Mark Reich.

2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: March 21st, 27th 28th and 29th. Councilor Devaney moved the minutes of March 21, 27, 28 and 29 as amended, seconded by Vice President Sideris and adopted by voice vote.

4. PUBLIC FORUM:

1. Dave Sprogious, 36 Chester Street – spoke in concern with the property located at 28-30 Parker Street, specifically with a breakdown in procedure and communication. He also commented on the fact that abutters were not given notification of a zoning matter with respect to the property in question. Mr. Sprogious stated that he expects directness and efficiency in such zoning matters and abutter notification requirements.

2. Lisa Feltner, 34 Parker Street – noted that communication regarding 28-30 Parker Street has been discouraging and information and access to town records has been inadequate. She forwarded a petition to appeal the zoning officer's decision to grant APT 4-8 status to 28-30 Parker Street (attached).

3. Roger Erickson, 48 Chester Street - stated that the Assessor's Office had indicated that the property in question is a 2 family dwelling but that zoning department records show the property as a 4/5 family, he asked which is correct.

4. Robert Erickson, Veterans Agent – indicated that the zoning department has done an excellent job in posting documents on the web page.

There being no further comments, the hearing was closed.

5. PRESENTATIONS AND REPORTS BY TOWN OFFICIALS AND EMPLOYEES:

A. Informational Presentation by the Watertown Contributory Retirement Board on current issues and duties and action on Section 1 and 2 of Chapter 157 of the Acts of 2005 regarding An Act Relative to Disability Retirement Benefits for Veterans – Thomas V. Thibaut, Jr., and Dan Sherman of Buck Consultants.

The Chair recognized Mr. Thibaut who provided an overview of board members, their duties and responsibilities. It was indicated that the 5 member board is autonomous with 2 members elected, 1 appointed by the board, 1 appointed by the manager and the town auditor as an ex-officio member.

Mr. Thibaut informed the Council that the board administers the retirement plan according to Chapter 32 and provides an annual statement to PERAC. Mr. Thibaut noted that there is no risk of losing retirement benefits and that it was only recently discovered that the Town Council can bring forward a 90A and 90C increase to the manager on their own, which would always be supported by the Retirement Board.

Mr. Sherman of Buck Consultants reviewed what drives pension appropriations and their impact noting in particular: asset performances, payroll increases, funding schedule, ad hoc plan changes, disabilities, retiree mortality and other factors (attached). Mr. Sherman also reviewed exhibits 1-4 (attached).

Mr. Thomas Gibson, Counsel for the Retirement Board – spoke briefly to the issue of amortization dates and noted that Watertown has an amortization date of 2019, compared to State law which requires all communities to be fully funded by 2028.

Councilor Hecht thanked the Board for their presentation which confirmed for him that the Board is important and that issues driving increased costs are also important.

Councilor Devaney stated that Joe Conatin, Executive Director of PERAC (Public Employee Retirement Administration Commission) has spoken highly of Watertown's Retirement Board.

Councilor Corbett asked if any towns are fully funded. It was noted that the Town of Wellesley is completely funded at 120%. Watertown ranks in the 65%, above average of all communities.

The Chair recognized Retirement Board member, James Bean who gave kudos to the manager and the auditor.

Mr. Thibaut read a memorandum from PERAC regarding Acceptance of Chapter 157 of the Acts of 2005, Section 1 and 2 regarding Disability Retirement Benefits for

Veterans. It was noted that Chapter 157 was recently signed by Governor Romney and corrects an error which inadvertently omitted "verterans" from receiving disability benefits. This benefit would affect 46 retired employees.

The Chair recognized Robert Erickson, Veterans Agent – who thanked the Council for placing the matter on the agenda and noted that this has been a great oversight over the years

Councilor Corbett inquired if the number of disabled veterans were abnormally high and noted that he did not like to vote on budgetary matters in the abstract.

Councilor Hecht stated that there is not enough information on the subject matter for a vote tonight and that it is not clear on what is being addressed. He stated that he would like the matter referred to committee.

The Chair stated that the Retirement Board provided overwhelming support for the Chapter which should give the Council some affirmation.

Councilor Devaney moved to separate the votes.

Councilor Hecht concurred.

Mr. Erickson stated that he appreciates the Council's fiduciary responsibility, but that some issues are not about dollars and sense. He asked the Council not to be shortsighted and narrow minded and that an oversight is just that, an oversight.

Councilor Kounelis asked the Manager if he can comment on this issue based on the budget.

The Manager noted that the \$515,000 will be spread over eleven years and that no dollar cost will occur in FY 07 or FY 08. The dollar amount between \$43,000 - \$50,000 will be in FY 09 or FY 10.

The Chair stated that our forefathers did not always have money to build our schools, but they were built anyway. He asked, how do you put a price tag on a person's life and that to refer this matter to a budget committee is a bad decision.

Upon a roll call vote on Section 1 of Chapter 157, it was adopted by a vote of 8 for 0 against and 1 present.

Councilor Romanelli stated that there are 46 disabled veterans that will potentially qualify for these monies. He noted that people did not join the services to fight for our country for the money. He further stated that these types of votes are easy votes because they help retirees and veterans who are elderly and sick and cannot afford prescriptions.

Councilor Devaney thanked Chair Thibaut and the Retirement Board for bringing this forward. She thanked the four out of five members for not forgetting these brave men who served their town as well as their country – 46 veterans, retired disabled town employees. She stated that this vote is just righting a wrong, that the men were entitled to the \$15.00 year and didn't receive it because of an error.

Councilor Devaney moved Section 2 of Chapter 157, seconded by Councilor Donohue and adopted by a roll call vote of 8 for, 0 against and 1 present.

6. MOTIONS, ORDERS AND RESOLUTIONS:

A. Acceptance of Proclamations: Everyone Wins When Kids Don't Drink Awareness Day – Mark S. Sideris, Vice President. Councilor Sideris read the proclamation and moved its adoption, seconded by Councilor Kounelis and adopted by voice vote.

B. Resolution re-appointing Valerie Papas for a three year term as Council Clerk to expire on March 26, 2009 – Clyde L. Younger, Council President. Councilor Romanelli moved the reappointment, seconded by Councilor Sideris and adopted by voice vote.

C. Resolution regarding Mitchell Properties LLC Proposal for the Coolidge School Property – Angeline B. Kounelis. The Chair recognized Councilor Kounelis who read a resolution regarding 319 Arlington Street to decrease the number of affordable units to 29%.

Councilor Kounelis noted that the resolution is not based on her, personally or the Council but on a petition which was signed by 419 neighbors and abutters. She noted that it is very important that they be acknowledged and that it would be a great injustice if she did not bring this forward on their behalf.

Councilor Kounelis moved the resolution as amended to include a roll call vote, seconded by Councilor Devaney.

Councilor Hecht moved a friendly amendment to divide the question into three sections: affordability, parking and the auditorium. Accepted by Councilor Kounelis and adopted by a roll call vote of 8 for and 1 against.

Councilor Devaney stated that people should support a position either way, but that they should not be chastised for it and moved to amend the resolution to raise the occupancy for the affordable units from age 55 to 65. There was a lengthy discussion on parking with Councilor Kounelis stating that a vote by the Planning Department adopted 76 parking spaces which did not include 16 for the auditorium.

Councilor Sideris asked if the Council can vote on parking issues.

Attorney Reich stated that the Council can vote to increase the number of parking spaces required, but not decrease.

Councilor Corbett stated that parking should be under the purview of Zoning.

Bart Mitchell of Mitchell Properties indicated that there is not enough space to provide for more than 76 parking spaces.

The Chair asked Councilor Kounelis if she would be willing to eliminate the 16 parking spaces. Councilor Kounelis agreed.

Councilor Sideris moved the resolution as amended, seconded by Councilor Donohue.

Councilor Lawn asked Mr. Mitchell if 16 parking spaces are needed for the community center. Mr. Mitchell indicated that the actual housing needs will be less and that twelve spaces will be available for the community center.

Councilor Devaney asked Mr. Mitchell if acceptance of a one million dollar grant will be jeopardized by decreasing the number of units. Mr. Mitchell indicated yes.

Councilor Kounelis stated that she did not feel comfortable with 76 parking spaces and asked that the zoning ordinance be adhered to.

Councilor Corbett asked that a specific recommendation on parking not be made by the Council.

Councilor Hecht concurred.

Councilor Lawn moved to take the parking issue off the table, seconded by Councilor Corbett adopted by a roll call vote of 6-3.

Councilor Devaney moved to have the age requirement for occupancy increased from age 55 to 65 for the affordable units. Councilor Devaney explained how in the past years she worked with others unsuccessfully to have subsidized housing for seniors located in Coolidge Square. She noted that many seniors have moved out of the neighborhood, their ethnic stores, their church. She asked that the Watertown Housing group do all they can to place Watertown residents in these units.

Mr. Mitchell stated that people like the concept of age 55, but find 65 unpalatable.

Upon a roll call vote, the motion was defeated 1-8.

Councilor Corbett stated that the Council should do their part for affordable housing and that one group should not be pitted against another group. He indicated that the Council should do what is best for the town and that the extra four units are a benefit.

Councilor Lawn stated that the project is financed and moving forward and that he does not want to adversely affect that process. He noted that the town made a deal with the developer and that should be honored. Councilor Lawn stated that he appreciates how hard Councilor Kounelis worked on this issue on behalf of her constituents but that it is not worth setting the project back.

Councilor Devaney commended Councilor Kounelis as well but stated that she did not want to lose the one million because of 4 units.

Councilor Kounelis indicated that there are other financial resources.

Mr. Watson, Planning Director noted that some things would be jeopardized beside the one million dollars and that is a 6 month delay in the project.

The Chair recognized:

Dori Pelham, Director of Watertown Community Housing – spoke in support of affordable housing.

Katherine _____, Marshall Place resident – spoke in support of affordable senior housing.

Amy Panza, daughter of resident of Marshall Place – stated that the affordable units at Marshall Place have not had a negative effect on the Marshall Street neighborhood.

John Portz, Chapman Street – stated that he is frustrated at private developers as more and more developments are out of the price range of many Watertown residents. He noted that the Coolidge School is a unique opportunity to drive the process and look at what is best for the community. He spoke in support of the current 40% affordability project.

Councilor Donohue moved to Suspend the Rules in order to take up the remaining agenda items after 10:30 pm, seconded by Councilor Sideris and adopted by voice vote.

Richard Hoover, Irving Park – asked if people have to present proof of US citizenship to rent the affordable units.

Will Twombly, Marion Road – spoke in support of the 40% affordability project by Mitchell Properties.

Margaret Cassidy, Prentiss Street – spoke in concern with the number of affordable units not who lives in them. She noted that Councilor Kounelis has not changed her stance on the issue and has the support of the east-enders. She noted that people are not informed enough about the project and statements are being made without regard for the truth.

Michael Sherman, Knowles Road – spoke in support of the 40% affordability units.

Upon a roll call vote on the underlined language of the resolution, it was defeated 2-7.

7. PRESIDENT'S REPORT

The Chair stated that henceforth, if a person at the podium is interrupted, that person will be given the opportunity to continue their and finish their statement.

The Chair noted that he has received a letter from Massachusetts Contributory Retirement Board which clarified questions he had. The chair stated that if an impasse on the Retirement Board should occur that the Town Manager shall be the appointing authority subject to the ratification of the Council.

An ex-officio member of the Retirement Board, such as the Town Auditor, is a full voting member.

8. COMMUNICATIONS FROM THE TOWN MANAGER

The Town Manager submitted the Fiscal Year 2007 Budget and provided a brief overview on the matter.

9. REQUEST FOR INFORMATION

Councilor Kounelis requested an update at the next Town Council meeting on a matter which had a public hearing on May of 2003 with respect to renovations to the intersection of Arlington/Nichols/Elm Street and Summer/Spring intersection. She asked to see where funds sources are for these projects (see attached letter).

Councilor Devaney requested language be presented at the next Town Council meeting with respect to Mutual Aid resolution which was previously adopted subject to the Manager and Attorney re-working the language.

Councilor Kounelis requested an update on recommendations made by Melanson & Heath in their Management Letter numbered as 9, 10, 11 which have been repeatedly mentioned.

10. ANNOUNCEMENTS none.

11. PUBLIC FORUM

Burt Greenberg, Duff Street – thanked the Chair for clarifying the procedure for speaking who are interrupted at the podium and suggested that the 2 minute rule be changed.

Richard Hoover, Irving Park – asked if Mitchell Properties goes belly up, who will be responsible for the project.

Pat Gold, Duff Street – thanked the Council and in particular Councilor Kounelis for all the hard work that went into the Coolidge School project.

There being no further business to come before the Council, Councilor Sideris moved to adjourn the meeting at 11:20 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 April 25, 2006.

Clyde L. Younger, Council President