

## **MINUTES**

### **TOWN COUNCIL MEETING**

**TUESDAY, AUGUST 8, 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, Angeline B. Kounelis, Jonathan Hecht, Stephen E. Romanelli, and Vice President Mark S. Sideris. Council President Clyde Younger and the Council Clerk were absent. Councilor Lawn arrived after the call of the roll.

#### **2. PLEDGE OF ALLEGIANCE**

**3. EXAMINATION OF MINUTES: July 11<sup>th</sup>.** Councilor Donohue moved the minutes of July 11<sup>th</sup>, seconded by Councilor Romanelli and adopted by voice vote.

#### **4. PUBLIC FORUM**

1. Mary Keenan, 10 Beacon Park – stated that the property owners of her neighborhood support the Demolition Delay Ordinance.

#### **5. COMMITTEE REPORTS:**

A. Committee on Economic Development and Planning report and action on appointments to the Zoning and Planning Boards – Stephen Corbett, Chair. Councilor Corbett read his Committee's report (attached). Councilor Corbett noted that he recused himself from participation due to a possible conflict of interest. The Committee interviewed candidates to the zoning and planning boards. Councilor Devaney moved to accept the report, seconded by Councilor Hecht and adopted by voice vote.

Councilor Donohue moved the appointment of Linda Tuttle Barletta to the Planning Board with a term to expire on May 15, 2007, seconded by Councilor Romanelli and adopted by voice vote with Councilor Corbett voting Present.

Councilor Donohue moved the appointment Jack Zollo to the Planning Board with a term to expire on May 15, 2007, seconded by Councilor Romanelli and adopted by voice vote with Councilor Corbett voting Present.

Councilor Donohue moved the appointment of Melissa Santucci to the Zoning Board of Appeals with a term to expire on May 15, 2010, seconded by Councilor Devaney and adopted by a voice vote with Councilor Corbett voting Present.

Councilor Donohue moved the appointment of Carlos Fernandez to the Zoning Board of Appeals with a term to expire on May 15, 2009, seconded by Councilor Romanelli.

Councilor Devaney stated that the Town is not being responsive to all residents who are applying for these positions. Those not selected for interviews by the Manager are not sent letters acknowledging their applications. Councilor Devaney noted that she has made this complaint in the past and that all applicants should be acknowledged for applying.

Councilor Kounelis stated that she would rather have individuals, who have recently moved into Watertown, selected to serve on boards that do not directly affect the character of the town, getting to know the town and its issues more in-depth before applying for such boards as zoning and planning that greatly affect the town's character, and therefore will not be voting for Mr. Fernandez.

Upon voice vote, the appointment of Carlos Fernandez was adopted, with Councilor Corbett voting Present and Councilors Kounelis and Devaney voting in opposition.

- B. Report of the Committee on Budget and Fiscal Oversight and action on appointment to the Watertown Contributory Retirement Board – Jonathan Hecht, Chair.

Councilor Devaney read a letter from Retirement Board Chairman, Thomas Thibeaut (attached) asking that action on the appointment be postponed until the next scheduled meeting and made note that he was not allowed to speak on the matter during an open subcommittee meeting.

Councilor Hecht read the Committee's report (attached) regarding Retirement Board candidate, Mr. John T. Loughran. Councilor Hecht stated that putting off action on the appointment for 5 weeks will not help and that the Council's role on this matter is to confirm or reject the appointment.

Councilor Hecht moved to accept the Committee's report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Devaney stated that out of respect for the request of the Chairman of the Retirement Board to postpone action until the next meeting she will move to Table the vote and if that does not pass, she will use her Charter Privilege. Councilor Devaney moved to Table the vote, seconded by Councilor Kounelis.

Councilor Hecht spoke against postponing the vote and stated that Mr. Thibeaut is opposed to the appointment. He noted that Councilors came here tonight to do their job which is to vote the appointment up or down and there is no reason to wait and indicated that Mr. Thibeaut does not have a vote on this matter.

Councilor Kounelis stated that as a member of the Committee on Budget and Fiscal Oversight she contacted Attorney Reich on the issue of not recognizing a member of the public to speak during an open meeting and she asked that Attorney Reich make public his legal opinion.

Attorney Reich noted that under the open meeting law, all meetings are open to the public, however, this particular meeting was not a public hearing and the authority lied with the presiding officer on whether to recognize a member of the public to speak or not. That determination was made by the presiding officer and therefore the individual did not have the right to speak.

Upon a roll call vote, the motion to Table the vote was defeated by a vote of 6 against and 2 in favor. Councilors Corbett, Lawn, Donohue, Romanelli, Hecht, Sideris voting no and Councilors Devaney and Kounelis voting yes. Councilor Devaney used her Charter Privilege to Table the vote until September 12<sup>th</sup>.

## **6. PRESENTATIONS AND REPORTS BY TOWN OFFICIALS AND EMPLOYEES:**

A. Informational Presentation on "Patriot Day 2006" – Robert Erickson, Veterans Service Officer. Mr. Robert Erickson and Ms. Joyce Munger provided a presentation for upcoming Patriot Day 2006 and provided an agenda for Monday, September 11<sup>th</sup> (attached).

B. Informational Presentation – update from the Town Auditor regarding audits performed on various departments within this past quarter. Postponed until September 12<sup>th</sup> (letter attached).

C. Informational Presentation - report from the Health Department concerning Eastern Equine Encephalitis Virus. Mr. Cody, Environmental Agent provided an update on Equine Encephalitis (attached) noted that there are no cases of the virus in Watertown with one bird in Lynn and one in Saugus, testing positive in Massachusetts. Over 200 catch basins have been treated in Watertown to prevent the spread of the virus. Survey traps have been installed and surveyed, and that the numbers of infected mosquitoes are lower in Watertown this year than last year.

## **7. MOTIONS, ORDERS AND RESOLUTIONS:**

A. Acceptance of Proclamations honoring Ms. Gracemarie LeBlanc and Raya Stern for 25 years of service as Library Trustees. Councilor Devaney moved to accept the proclamations, seconded by Councilor Donohue and adopted by voice vote.

B. First Reading on a proposed Demolition Delay Ordinance. An overview of the proposed Ordinance was provided by Planning Director, Gregory Watson. It was noted that a public hearing and vote will take place at the September 12<sup>th</sup> Town Council meeting.

C. Resolution approving the acceptance and expenditure of a gift of funds in the amount of \$250.00 to offset expenses related to the Police Athletic League. The Manager provided a brief overview of the resolution. Councilor Donohue moved to accept the gift, seconded by Councilor Kounelis and adopted by voice vote.

D. Resolution approving the acceptance and expenditure of a gift of funds in the amount of \$13,250.00 to offset expenses related to the "Faire on the Square 2006." The Manager provided a brief overview of the resolution. Councilor Kounelis moved to accept the gift of funds, seconded by Councilor Romanelli and adopted by voice vote.

E. Resolution approving a transfer in the amount of \$61,946 from Fiscal Year 2007 Town Council Reserve to the Fiscal Year 2007 Capital Projects/Town in order to fund the Hosmer School/O'Connell Playground Surface. The Manager and Mr. Watson provided an overview of the improvements. Upon roll call vote, the transfer was adopted by unanimous vote.

## **8. PRESIDENT'S REPORT**

A. Draft letter to MWRA regarding Geese droppings on Charles River - postponed.

Vice President Sideris provided a brief update on the Council's Work Session on goals and objectives, noting that much progress was made and that future meetings will be forthcoming.

Vice President Sideris provided a brief update on the opening of the new Main Street Library.

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

The Manager asked to refer a Request for Confirmation of re-appointments to the Planning Board to committee. The matter was referred by voice vote.

Summer Concerts continue on Thursdays and are free.

Yard Waste dates: August 11<sup>th</sup> and 25<sup>th</sup>.

The Town Manager brought forward a late agenda regarding request for confirmation of Cable Access re-appointments and appointments. Councilor Romanelli moved to accept the late agenda item, seconded by Councilor Donohue and adopted by voice vote.

Councilor Romanelli moved to approve the reappointments, seconded by Councilor Lawn and after a brief discussion, defeated by voice vote.

Councilor Donohue moved to refer all the appointments and reappointments to subcommittee for interviews and recommendations. Adopted by voice vote.

## **10. REQUEST FOR INFORMATION**

Councilor Sideris requested that a draft policy regarding "emailing" be referred to Rules and Ordinances. Councilor Devaney indicated that there is a state law regulating serial emailing and serial phone-calling , which can constitute a violation of the open meeting law, and asked why meet on the issue when the law is clear on the issue and that it cannot be done legally.

Attorney Reich stated that the open meeting law is complex and does not include an email policy – the courts recommend that municipalities have policies regarding emails.

Councilor Romanelli moved to refer the matter to Rules and Ordinances, seconded by Donohue and adopted by voice vote with Councilor Devaney voting no.

Councilor Kounelis requested that photos of Filipello Park be included in the minutes and spoke in concern with her disappointment with the disrepair of the park. She noted that no one has addressed the issues of disrepair such as broken and dislodged walkways, up-rooted metal grates and trees in poor repair. She indicted that when the Town spends tax payers money, the Town has an obligation for upkeep and maintenance.

Councilor Devaney indicated that with respect to the Manager's appointment on the Retirement Board, a letter was written regarding the lack of advertisement of the appointment. Councilor Devaney asked that the appointment be opened up to the public as it seems to be an exemption to the rules in not advertising the position.

Councilor Kounelis indicated that the Town needs to have vision for the future and stated that there will be housing type developments along the Pleasant Street corridor and possible housing at the Hartz-Mason property. She indicated that the Town needs to address how these developments will affect our schools, with added growth and asked what projections are school officials making for this added growth.

Councilor Sideris requested that the Town explore a private management company for the skating rink in conjunction with looking at the vacant director's position. Councilor Romanelli agreed, and stated that many communities are looking to privatize this and the Town should look into this as well.

## **11. ANNOUNCEMENTS**

Councilor Hecht congratulated all involved in the construction of the new Main Street Library.

Councilor Lawn announced that on Wednesday, September 13<sup>th</sup> at 7pm in the Council Chambers, there will be a neighborhood meeting on the new construction of the police station at the former Browne School site.

## **12. PUBLIC FORUM**

Grace Fazzi, 77 Watertown Street – spoke in concern regarding the condition of the Hartz Mason property as well as its parking lot across the street. The dangerously overgrown vegetation and graffiti is a disgrace she noted. She asked whether the X placed on the buildings are a good indication that the buildings need to be demolished now. She added that when she approached the building, teenagers were inside and can easily gain access. Lastly, she noted that the owner of the building receives a 38% reduction on his taxes and added that the abatements should be going to cover boarding up the buildings and cleaning up the blight and vegetation.

Pat Gold, Duff Street – Equal Choice Bill passed the house unanimously on July 24<sup>th</sup> and signed by the governor. She noted much thanks to the Town Council for their letter of support.

There being no further business to come before the Town Council, Councilor Devaney moved to adjourn the open meeting in memory of DPW worker, Paul Farrell's mother who recently passed away and moved to go into executive session to discuss strategy with respect to litigation, seconded by Councilor Donohue and adopted by unanimous roll call vote. It was further noted that the Town Council will not return to open session following the adjournment of the open session.