



## Watertown Town Council

Administration Building  
149 Main Street  
Watertown, MA 02472  
Phone: 617-972-6470

### ELECTED OFFICIALS:

Mark S. Sideris,  
Council President

Stephen P. Corbett,  
Vice President

John A. Donohue,  
Councilor At Large

Susan G. Falkoff,  
Councilor At Large

Anthony Palomba,  
Councilor At Large

Angeline B. Kounelis,  
District A Councilor

Cecilia Lenk,  
District B Councilor

Vincent J. Piccirilli, Jr.,  
District C Councilor

Kenneth M. Woodland,  
District D Councilor

## TOWN COUNCIL MEETING TUESDAY, AUGUST 13, 2013 @ 7:15 PM RICHARD E. MASTRANGELO COUNCIL CHAMBER ADMINISTRATION BUILDING MINUTES

1. ROLL CALL: A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Council Chamber, Administration Building. Present for the meeting were Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

### 2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: [July 16, 2013](#). Councilor Piccirilli moved to adopt the minutes as written, seconded by Councilor Woodland and adopted by voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative and Councilor Kounelis voting no.

### 4. PUBLIC FORUM – none noted.

### 5. PRESIDENT'S REPORT:

a) A proposed Resolution regarding the [Fiscal Year 2015 Budget Process](#). Councilor Piccirilli moved to adopt the Fiscal Year 2015 Budget Process timeline, seconded by Councilor Lenk and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

The Chair stated that the Public Works Study will have a full presentation on September 10<sup>th</sup> and a vote to refer the matter to subcommittee.

### 6. PUBLIC HEARINGS AND VOTES:

a) Public hearing and vote on a proposed [petition by National Grid](#) to install and maintain 84 feet of 6 inch gas main in Bigelow Avenue from an existing 6 inch gas main at Artaskh Way, northerly to Building #40 for new gas service. The Chair recognized

Mr. Dennis Reagan 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. Councilor Piccirilli moved to approve the petition, seconded by Councilor Woodland and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

b) Public hearing and vote on Plowing of Private Ways. The Chair stated that this matter had a public hearing at a Special Town Council meeting on July 30<sup>th</sup> and was continued for an additional public hearing for tonight.

The Chair recognized Attorney Reich who provided a brief summary of the Chapter 40, Section 6C law as it pertains to a ballot question on using taxpayer monies to plow private ways.

The Chair opened up the hearing to the public.

Lisa Calefella, 56 Cuba Street – asked Attorney Reich to review Chapter 40, Section 6c law again for clarity and asked about the disposition of a street between Cuba and Green which is unnamed. (The street was later identified as Barrett Court).

Mr. Reich provided an additional review of the law and the process for the ballot question to be placed on the November 5<sup>th</sup> election.

Connie Villalba, 177 Sycamore Street – stated that her property also abuts a private way which she is forced to shovel in order to access her driveway. She noted that neighbors park their vehicles on the street all winter which makes it hard for her to shovel and access her driveway and asked what recourse she has with this private way.

Paul Fahey, Lexington Street – spoke in support of placing the matter on the ballot.

Karl Schmidt, Lyons Court – spoke in support of placing the matter on the ballot.

Matt Riegert, Lyons Court – thanked the Council for holding an additional public hearing on the matter and stated that he would like to know the legal definition of “open and public use”.

Ari Koufos, Bellevue Terrace – spoke in support of placing the matter on the ballot and stated that he pays taxes for such services as plowing, sanding and salting.

Bob Ostiguy, 2 Cozy Street – stated that there are too many residents on his private way and it would be very difficult for any one of them to put together a private plowing contract agreement and asked that the town grant a temporary exception until something can be worked out.

Ryan Bailey, 17 Cozy Street – concurred and asked the town to assist residents with setting up a private plowing contract.

The Chair stated that the town will plow the private ways up until November 5<sup>th</sup>.  
The Manager concurred.

The Chair closed the public hearing.

Vice President Corbett stated that as he understands it, if residents of a private way agree that they want the town to plow their street; then they will have to also agree to the winter parking ban and regulations of public ways.

Attorney Reich noted that the statute does not address that but that the Council can determine the requirements.

Councilor Donohue stated that he has received numerous emails from residents asking what the process is to transfer a private way to a public way.

Attorney Reich briefly touched briefly on the lengthy legal process which would include an engineer looking into the layout of the street to see if it meets the requirements of a public way, etc.

The Chair asked that an [email](#) by Melissa Santucci be attached to the minutes.

Councilor Kounelis stated her concern for the public safety of these private ways if they were not to be plowed by the town and asked about a Home Rule Petition.

Attorney Reich stated that the statute does not address public safety and if the Town plows these streets without going through a ballot question there could be legal consequences for the town; including penalties and fines. He further noted that with respect to a Home Rule Petition; it is unlikely that the state legislature would pass such a measure as it would be seen as a way to get around the state statute.

Councilor Palomba stated that he supports the ballot process and hopes the Council starts to think about the process well in advance of the November 5<sup>th</sup> vote.

Councilor Lenk concurred and stated that she hopes the issues are resolved quickly.

Councilor Piccirilli stated that this is the thorniest issue the Council has come across and reiterated his concern with respect to the expectations with the ballot question passing and the town still not being able to legally plow the private ways.

Attorney Reich stated that the Council has a great deal of discretion in determining the disposition of the private ways if the ballot question passes and added that the Council must do their homework in advance.

The Chair warned residents that the ballot question can be a roll of the dice as it may not pass and the Council has to prepare for all options; its passage and its defeat at the ballot. He suggested the Council draft a letter asking the town's state legislature to address the issue of public safety as it relates to private ways.

Attorney Reich read aloud the Question as it would appear on the ballot.

Councilor Lenk asked that the matter be referred to Public Works to start the process and noted that she has been collecting information on how other towns are handling this issue.

Councilor Falkoff stated that the Council has no choice but to put the matter on the ballot because it's the only fair thing to do.

**MOTION AND VOTE:** Councilor Falkoff moved to have the Question placed on the ballot in the form that Attorney Reich just read, seconded by Councilor Donohue and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

**MOTION AND VOTE:** Councilor Lenk moved to refer the development of criteria for private ways to be plowed to the subcommittee of Public Works with a report back by the last meeting in September, seconded by Councilor Falkoff and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

**MOTION AND VOTE:** Councilor Palomba moved to send a letter to our state senator and representatives as outlined by the Chair, seconded by Councilor Falkoff and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

The Manager stated that there is a lot of work between now and November 5<sup>th</sup> to address either the passage or defeat of this ballot question.

Regarding notification to residents about the ballot question, the Chair stated that Attorney Reich and the Manager will determine that matter.

The Chair called a short recess.

## 7. MOTIONS, ORDERS AND RESOLUTIONS:

- a) [First Reading](#) on a Proposed Post Construction Stormwater Control Ordinance and joint referral to the Committees of Public Works and Rules and Ordinances. The Chair provided a first reading of the matter.
- b) [First Reading](#) on a Proposed Loan Order authorizing the Town Treasurer with the approval of the Town Manager to borrow monies in the amount of \$370,000 under Chapter 44 of the General Laws or any other enabling authority for the construction, reconstruction, and improvements of municipal outdoor recreational and athletic facilities at Casey Park, including the payment of all costs incidental or related thereto; which sum shall be in addition to the amount of \$259,200, which

has previously been appropriated for park improvements and included in the tax levy. The Chair provided a first reading of the matter. The Manager provided a brief overview and noted that the public hearing and vote will take place on September 10<sup>th</sup>.

8. COMMITTEE REPORTS:

a) Committee on Economic Development and Planning [report](#) and action on [Proposed Fees](#) and [The Comprehensive Plan](#) – Stephen P. Corbett, Chair. Vice President Corbett read the report. An amendment to the fee schedule was discussed. Councilor Donohue moved to accept the report, seconded by Councilor Woodland and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

Vice President Corbett moved to have the Town Manager implement the fee schedule as amended, seconded by Councilor Donohue and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

9. COMMUNICATIONS FROM THE TOWN MANAGER:

The Manager announced that the town's Financial Management Review will be forwarded within the next two weeks.

10. REQUESTS FOR INFORMATION – none noted

11. ANNOUNCEMENTS:

Councilor Woodland announced a Community Meeting on Thursday, August 15<sup>th</sup> at 6pm regarding the Bacon Street project.

Councilor Palomba announced: The 50th Anniversary of Dr. King's "I Have a Dream" Speech of Martin Luther King, Jr.'s, "I Have a Dream" speech will take place on **Wednesday, August 28, 7:00 PM**, at the Watertown Landing (the Town Dock) in Watertown Square. This year marks the 50th anniversary of the March on Washington for Jobs & Freedom. Dr. King presented his speech on the steps of the Lincoln Memorial facing the reflecting pool. At the Watertown event, the Charles River will serve as our own "reflecting pool." This event is co-sponsored by the World in Watertown, Watertown Citizens for Peace, Justice & the Environment, First Parish of Watertown, and the Church of the Good Shepherd. Thanks to the Mass. Dept. of Conservation & Recreation for permission to assemble by the river.

Councilor Donohue announced that Faire on the Square will take place on September 28<sup>th</sup> with a deadline of August 28<sup>th</sup> for application.

12. PUBLIC FORUM – none noted.

13. ADJOURNMENT: There being no further business to come before the Town Council, Councilor Donohue moved to adjourn the meeting at 9:00 pm, seconded by Councilor Woodland and adopted by unanimous voice vote with Councilors John A. Donohue, Susan G. Falkoff, Anthony Palomba, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Vice President Stephen P. Corbett, and Mark S. Sideris voting in the affirmative.

Addendum

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by unanimous voice vote.

Mark S. Sideris, Council President