

TOWN COUNCIL MEETING
TUESDAY, MARCH 13, 2007 AT 6:30 PM*
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING

1. ROLL CALL: A regular meeting of the Town Council was called to order at 6:30 pm in the Richard E. Mastrangelo Chamber, Administration Building. Present for the roll call were Councilors Stephen Corbett, John A. Donohue, Angeline B. Kounelis, Jonathan Hecht, Mark Sideris, and Council President Clyde L. Younger. Also present were Michael J. Driscoll, Town Manager, March Reich Town Attorney and Rae Grassia, temporary council clerk. Arriving after the call of the roll were Councilors Devaney and Lawn. Councilor Romanelli was absent.

2. EXECUTIVE SESSION – 6:30 PM*

3. RETURN TO OPEN SESSION – 7:15 PM

4. PLEDGE OF ALLEGIANCE

5. EXAMINATION OF MINUTES: February 13TH AND 27TH.

Councilor Devaney moved the minutes of February 13th with attachments, seconded by Councilor Sideris and adopted by voice vote.

February 27th minutes were Tabled by voice vote.

6. PUBLIC FORUM

1. Grace Fazzi, Watertown Street read a statement (attached) opposing the concept and planning of a recreation/community center.

7. PUBLIC HEARINGS

A. Public hearing and vote on a proposed Amendment to the Fiscal Year 2007 Budget. The Town Manager reviewed the proposed amendment to the Fiscal Year 2007 which included Fiscal Year 2007 Cherry Sheet Estimated Receipts and Charges, new growth numbers adopted in the Fiscal Year 2007 budget, payment in lieu of taxes number updated and adopted in Fiscal Year 2007 budget, accounting and funding of School's Ice Time at skating arena, a decrease of \$300,000 in rentals relating to the former Coolidge School, and an increase in \$300,000 from sale of 124 Riverside Street. In response to a query by Councilor Kounelis, the Manager noted that the pilot agreement with Tufts has been modified due to a decrease in their membership and is based upon fiscal year.

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

Councilor Sideris moved the Amendment to the Fiscal Year 2007 Budget, seconded by Councilor Corbett and adopted by unanimous roll call vote.

B. Public hearing and vote on a proposed Order allocating property tax among or between property classes for Fiscal Year 2007. The Chair recognized Mr. Daniel Loughlin, Town Assessor who provided a brief overview of the Order allocating property tax among or between property classes for Fiscal Year 2007, with a recommendation by the Board of Assessors to maintain the current classification shift at 175% with a 20% residential exemption discount. Mr. Loughlin provided a power point presentation with hard copy (attached) explaining the tax rate and commercial shift.

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

Councilor Donohue inquired if the town has lost a large percentage of its commercial base. Mr. Loughlin stated that valuations in commercial property have declined reflecting market conditions region wide and indicated that there is antidotal evidence in town that reflect that we have lost commercial property; i.e., 555 Pleasant Street as well as 20-30 Watertown Street but there is future potential redevelopment for both commercial and residential. Mr. Loughlin lastly stated that since we are still in a review period with the State and if a vote takes place tonight, a re-confirm vote will be needed again on February 27th.

Councilor Hecht stated that non-owner occupied property renters are especially hit hard with higher rents, which is a negative consequences of the owner occupied residential exemption. There is talk at the State level to expand the Circuit Breaker to non-elderly homeowners which will help ease costs to renters.

Councilor Kounelis spoke in support of the recommendations of the Board of Assessors and asked about timeframes for a review of property assessments. Mr. Loughlin stated that taxpayers have until Friday, March 23rd for a taxpayer review or 30 dates from the mailing of the tax bill. Outside of the current period, a review can be made at anytime for a change in the next year's bill.

Councilor Sideris moved the tax shift of 175% and 20% residential exemption, seconded by Councilor Donohue and adopted by unanimous roll call vote.

8. COMMITTEE REPORTS:

A. Recycling Center Ad Hoc Committee report and action on a motion to remove Filipello Park from consideration for a recycling center, to a site to be determined – Mark Sideris, Chair.

Councilor Sideris summarized the Recycling Ad Hoc Committee report (attached). Councilor Sideris moved to accept report, seconded by Councilor Hecht and adopted by voice vote.

Councilor Sideris stated that this issue has been ongoing for several years with documents going back and forth but the Council has never gone on record with respect to whether the recycling center is to stay or go and that the Administration needs policy guidance on the issue.

Councilor Devaney stated that Councilors never saw the final document and map outlining the dimensions of the proposed park when it went before the State for grant funding. She noted that the incinerator/recycling center was never an issue until it was demolished and the Conservation Commission stepped in to say that a recycling center could not replace the former incinerator. She further stated that only two people in town do not want the recycling center at Filipello Park and that the recycling center does not bother anyone as it abuts a commercial area. Councilor Devaney stated that officials from the State are still open to the idea of a recycling center there. She noted that she was not appointed to the Recycling Ad Hoc Committee because she was working too hard on the issue and that there were friendships involved and that the Council President shouldn't even be voting on this issue.

The Chair ruled Councilor Devaney was out of order for her comments.

Councilor Devaney stated that she will use her Charter Privilege to Table the matter and that it is not debatable as it is her right to use her Charter Privilege.

The Chair called for a recess.

Councilor Devaney challenged the call for a recess and asked Attorney Reich for a legal opinion if the Chair can call a recess in the middle of her motion.

The Chair stated that there is no motion on the floor.

Councilor Kounelis stated that as an elected councilor from Watertown she too would like an opinion from the town attorney.

Attorney Reich stated that he takes direction from the Council President and that he looking to the President for direction.

Councilor Devaney questioned Attorney Reich's answer and stated that he renders legal opinions on his own when asked by Councilors why not now.

The Chair stated that he was objecting to Councilor Devaney's editorial comments towards him. The Chair further stated that there was no motion on the floor to Charter.

Councilor Devaney stated that she is using her Charter Privilege to Tabled this vote tonight to take Filipello Park off the Table for a recycling center.

The Chair indicated that a motion has not even been made to take Fillipello off the Table as a site for a recycling center.

Councilor Devaney stated that she is Chartering the vote before hand and that it cuts off all discussion.

Councilor Hecht stated that he does not believe a motion was ever made and asked for clarification on the use of Charter Privilege in this instance.

The Chair indicated that he would like to temporarily delay this discussion for a few moments until things have had a chance to calm down and would like to continue with other agenda items.

B. Human Services Report and action on recreation/community center survey – John J. Lawn, Jr., Chair. Councilor Lawn summarized the Committee report on a recent meeting which included committee members and the Recreation Director. It was noted that Councilor Romanelli was not in attendance. The Committee discussed formalizing a one page survey to be included in the 4th quarter tax bills in order to get a level of interest from residents on the concept of a recreation/community center. Councilor Lawn moved to accept the report, seconded by Councilor Donohue and adopted by voice vote.

Councilor Devaney stated for the record that this subcommittee meeting was held at 1:30 pm.

Councilor Lawn stated that the survey has to go out by March 30th with the tax bill and that there was the need to call for an immediate meeting which was within the 48 hour posting notice timeframe. He noted that additions still can be added and debated and voted tonight.

Councilor Devaney stated that a fiscal note is needed.

Councilor Lawn stated that this survey is just to gage the level of interest in the idea of a recreation center and nothing more and questioned how you can place a price tag or fiscal note on a concept.

Councilor Devaney stated that a fiscal note is required when making such presentations to the Council.

Councilor Corbett moved to authorize the Human Services Committee to refine the survey and finalize any suggestions by Councilors by the deadline of Friday noon, seconded by Councilor Donohue and adopted by voice vote.

The Chair re-opened discussion on agenda item 9A – recycling center.

Councilor Sideris stated that no motion has been made with respect to the disposition of a recycling center and would like to discuss the matter tonight as the Conservation Commission is in the audience.

Councilor Donohue indicated that a recommendation was made by the Ad Hoc Recycling subcommittee to take Filipello Park off the Table and asked that this recommendation be voted on tonight. Councilor Donohue made the motion to accept the Ad Hoc Recycling Committee's recommendation to remove Filipello Park from consideration for a recycling center, seconded by Councilor Lawn. Councilor Devaney used her Charter Privilege.

9. INFORMATIONAL PRESENTATIONS AND REPORTS:

A. Informational Presentation on Internet Access as it Relates to Minors – Library Board of Trustees.

The Chair recognized Library Director Leone Cole who stated that offering unregulated, unfiltered and unmonitored computer use at the library has been successful. She noted that the Library relies on parents to monitor their child's activities in the library. She indicated that in addition to the internet policy, there is a code of conduct policy and that if there is a complaint of suspicious behavior, library staff deal with it immediately. Also, the library staff makes sure that there are no unattended adults in the children's or teen room. These policies ensure that the citizens have full access to all the information that it wants and needs while making the library environment comfortable and welcoming. Upon query from Councilors, Ms. Cole stated that children's computers are on the first floor while adult's computers are on the second floor and that while there have been isolated incidences, library staff have handled these few issues well.

The Chair stated that thing happen and in open view and that the greater protection we can provide our children, the better off we are going beyond some of

the policies guidance established in the library. Watertown is a changing community and so we need to examine what policies we have in place and how they can be strengthened.

Ms. Cole stated that the Library Board of Trustees have indicated that library staff makes sure there is an appropriate environment for children and that filters may not make children safer in the library but will look at the suggestion.

The Chair asked that the Library Board of Trustees come back with additional safeguards.

Councilor Kounelis echoed the concerns of the Council President and asked that Board of Trustees look at what other communities are doing and what is available.

B. Informational Presentation on the Final Report of Municipal Benchmarking LLC – Kenneth Stracham, General Manager. Postponed.

C. Informational Presentation on Pension Obligations – Thomas J. Tracy, Town Auditor.

Mr. Tracy provided a presentation (attached) on the Governor's proposal on the Municipal Partnership Act as it relates to Local Retirement Boards and pros and cons of the proposal as to how it affects the Watertown Contributory Retirement Board Assets (attached). Mr. Tracy stated that the Governor's proposal would require any Mass public retirement system after 2006 having a funded ratio less than 80% and having a rate of return over the past 5 years, as determined by PERAC, that is at least 2.25% less than the PRIT Fund rate of return over the same period shall transfer all of its assets to the PRIT Fund for investment. It was further noted that the Watertown Retirement System is within the 2.2% differential and is not included in the list, however based on annual reports from 2001-2005 it would be included in the list.

Councilor Corbett asked that if the town ran the numbers over the past five years, what dollar amount could have been generated if we had been in the state

program. Mr. Tracy answered that the PRIT Fund would have realized approximately \$9 million more return over the five year period.

Councilor Kounelis stated that the pension cost to the community is 6.7% of the budget, which is substantial and that several articles have indicated that other towns are asking to be part of the state fund and asked Mr. Tracy as a resident and Town Auditor, if Watertown should be part of the state fund. Mr. Tracy stated that he has no problem giving money to the PRIT Fund as an investment vehicle.

Councilor Hecht stated that all that is being proposed here is that some retirement boards would be required to turn over their assets to PRIT for investment other functions of the retirement board such as making decisions of cost of living increases, etc, would remain at the local level.

He noted that the proof is in the pudding and that the state investments are far better than what some local boards can achieve.

The Chair stated that PERAC and PRIT are not operating within the same ground rules. Mr. Tracy agreed and stated that the PRIT fund does not have the same restraints as PERAC.

Councilor Corbett asked that if there is a risk would it be bourn by the Retirement Board or retirees or by the tax payer in a worse case scenario. Mr. Tracy stated that it would be bourn by the tax payer, if there were such a risk.

Councilor Hecht noted that on the question of risk, we shouldn't be throwing fear into people, as PRIT has been around for some 20 something years and its returns have outstrips that of the local retirement boards, including Watertown's. They have a long record of successful returns and we are not doing ourselves any favors by playing by our rules as opposed to theirs.

10. MOTIONS, ORDERS AND RESOLUTIONS:

A. First Reading on a proposed Loan Order authorizing the Town Treasurer with the approval of the Town Manager to borrow and/or expend monies in the amount of \$1,100,000 under Chapter 44 of the General Laws or any other enabling authority for the cost of architectural and engineering services for plans and specifications for construction of a Police Facility at 552 Main Street. The Town Manager provided a brief overview of the Loan Order in the amount of \$1,100,000 and noted that the loan order will be advertised for a public hearing and vote on March 27, 2007.

11. PRESIDENT'S REPORT – none noted.

12. COMMUNICATIONS FROM THE TOWN MANAGER

1. Police Citizens Academy begins next Monday.
2. Correspondence, Tree City USA awards on April 12th.

13. REQUEST FOR INFORMATION

Councilor Sideris asked the Manager to follow up with respect to a call he has received from a resident who was mailed a notice for outstanding fees in the amount of \$40.00 from a ticket issued in 1994, meanwhile registering his car and not being notified at any other time during this twelve year period.

Councilor Devaney stated that she is receiving calls about the poor condition and lack of progress with Hartz Masson property and the condition of the municipal lot behind CVS.

14. ANNOUNCEMENTS

Councilor Lawn announced that the Watertown Boys Basketball Team has won the Division III Eastern Mass Final and will play Saturday in Worcester for the State Championship. He congratulated the players and coaches.

Councilor Devaney announced that a survey be put into the 4th quarter tax bill stating " the Town Council's subcommittee is recommending that Watertown's recycling center be removed from Filipello Park and Councilor Devaney is asking for citizen opinion on the disposition of the center; whether to have it remain at the current site, remove it from the current site or improve it at the current site".

The motion was seconded by Councilor Hecht for discussion purposes only.

Councilor Donohue indicated that this matter was Charter Privileged by Councilor Devaney and questioned why we are having discussion on this matter.

Councilor Hecht stated that a report on this issue was offered tonight for discussion and one Councilor chose to use her Charter Privilege to prevent any discussion by anyone and is now using the heading of Announcements in order to give herself the opportunity to express her view and only her view on the same matter.

Upon a roll vote, the motion to place the language in the 4th quarter tax bill was defeated, 1-7.

Councilor Sideris announced that the Charitable Ad Hoc Committee will hold a meeting on March 26th to go over the adopted ground rules. Councilor Sideris noted that this meeting has been placed in the local paper, put on the town's

website and on local cable channel and hopes that interested parties attend the meeting.

Councilor Kounelis stated that there may be some expansion of Target at the Watertown Mall. She noted that she would like to have the Administration engage them in discussions for improving Elm Street, which is the entrance to the Mall from the north.

15. PUBLIC FORUM

Paul (inaudible), Parker Street – stated that in regards to the library, he noted that the Town Council is trying to find a solution to a problem that doesn't exist. The Library is doing a great job in keeping our children safe, he noted

16. ADJOURNMENT

Councilor Sideris moved to adjourn the meeting at 10:30 pm, seconded by Councilor Corbett 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 13th were adopted as written and with attachments, by voice vote on April 10, 2007.

Clyde L. Younger, Council President