



## 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

Aaron Dushku,  
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, JULY 15, 2014 @ 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 Chambers, Administration Building. Present for the meeting were Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett. The Council President and Councilor Palomba were absent. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

Vice President Corbett presided as Chair of the meeting.

### 2. PLEDGE OF ALLEGIANCE

3. EXAMINATION OF MINUTES: [June 24<sup>th</sup>](#) and [July 2<sup>nd</sup>](#). Councilor Piccirilli moved the minutes of June 24<sup>th</sup>, seconded by Councilor Falkoff and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

Councilor Piccirilli moved the minutes of July 2<sup>nd</sup>, seconded by Councilor Falkoff and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

### 4. PUBLIC FORUM:

David Sprogis, 36 Chester Street – Mr. Sprogis handed to the Clerk a [petition](#) for the Council's consideration.

Rena Baskin, Franklin Street – presented a [map](#) of transitional areas asking that the map be changed noting her concern with respect to the highlighted yellow areas of the map.

### 5. PRESIDENT'S REPORT: The Chair announced the following:

1. Athena Health hosted an Innovation Night.
2. Comprehensive Plan meeting held last night. Well attended and productive meeting.
3. Personnel Committee met tonight – evaluation forms for the Clerk and Auditor will be sent out to be completed by July 31<sup>st</sup>.

4. Special Town Council meeting scheduled for July 22<sup>nd</sup> on a temporary moratorium along Arsenal Street.
5. Late agenda item – request for a motion.

Councilor Piccirilli moved to Suspend the Rules in order to take up a [late agenda item](#), a gift of a used treadmill for the Fire Department, seconded by Councilor Dushku and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

The Manager provided a brief overview of the matter. Councilor Piccirilli moved to approve the Acceptance of a Gift, seconded by Councilor Lenk and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

#### 6. PUBLIC HEARINGS AND VOTES:

a) Public hearing and vote on [Community Meetings](#) – The Planning Board held a public hearing on June 11, 2014, where the Planning Board voted to recommend to the Watertown Town Council to add the requirement for a community meeting as part of certain projects requiring Site Plan Review and further clarifying Section 9.03 Site Plan Review to clearly identify the process for application, review and noticing.

Mr. Steve Magoon, Planning Director and Senior Planner Andrea Adams provided an overview and clarification of Section 9.03 of the zoning ordinance and the abutters' notification requirement.

The Chair opened up the hearing to the public and recognized David Sprogis who stated that “300 feet” sounds somewhat arbitrary and suggested the language be more responsive to the height of a proposed building, or a congestion index or a hazardous index.

Council Falkoff stated that the “property owners within 300 feet” is the easier language to comprehend and noted her preference to the language as written rather than the language as proposed by the Planning staff.

Councilor Dushku questioned - why not both or the greater of. He also inquired of the timeframe with respect to any changes made by the council.

Attorney Reich stated that with respect to the process; the Council can vary from what is recommended as long as what is varied is within the scope of the amendment being discussed. Regarding notice; the town can go beyond what is noticed but not less.

Councilor Kounelis asked what are we legally required to do: Mr. Magoon stated: “abutters to abutters within 300 feet”.

Councilor Piccirilli asked what if it is changed to “abutters and abutters to abutters”. Mr. Magoon stated that it depends – could be larger or smaller depending on the project.

Councilor Lenk spoke in support of the proposal; as a good direction to go in.

Vice President Corbett spoke in support of the proposal; a good proposal to formalize the process.

Councilor Kounelis also spoke in support of the proposal noting that the east end has been doing this type of community meetings for decades through the zoning officer and staff.

Councilor Woodland spoke in support of the proposal and noted that the west end has also been having community meetings for several years and have been lucky in that respect, but that it is important to formalize the process going forward.

**MOTION:** Councilor Falkoff moved to vote for the language as written and not as proposed, seconded by Councilor Dushku (for discussion sake).

Councilor Piccirilli spoke in support of the proposed language as suggested by the Planning staff, seconded by Councilor Woodland.

Councilor Lenk concurred with Councilor Piccirilli.

Attorney Reich stated that what is currently on the Table is the language as written and submitted to the Council and that to change it to – abutters to abutters within 300 feet; there would need to be a further amendment.

Vice President Corbett and Councilor Kounelis concurred with the language put forth by the Planning staff.

**MOTION:** Councilor Piccirilli moved to amend the motion to adopt the language put forth by the Planning staff – “abutters to abutters within 300 feet.

Mr. Magoon provided exact language as follows: to change the language to **abutters to abutters within 300 feet** and insert the language **no less than ten days**.

The motion was seconded by Councilor Woodland.

**On the amendment** - the motion was adopted by voice vote with Councilors Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative and Councilors Aaron Dushku, Susan G. Falkoff voting against.

**On the Main motion** – it was adopted by unanimous roll call vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

b) Public hearing and vote on [Medical Marijuana](#) – The Planning Board held a public hearing on June 11, 2013, where the Planning Board voted to recommend that the Watertown Town Council to amend the Zoning Ordinance by striking Section 5.17, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA

TREATMENT CENTERS and within the Table of Contents, in effect until June 30, 2014, and adding a new Section 8.04 for regulations regarding the siting of Medical Marijuana Treatment Centers and related uses for patients with a debilitating medical condition as defined by 105 CMR 725.000. The amendment would allow for the use as a Special Permit under Section 5.01, Table of Uses within the Industrial Zoning Districts.

The Chair recognized Mr. Magoon who provided a brief overview. Zoning Enforcement Officer, Michael Manna read the zoning amendment.

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

**MOTION:** Councilor Piccirilli moved the Medical Marijuana amendment, seconded by Councilor Dushku.

Councilor Kounelis spoke against the amendment noting that the Industrial Zones that are in the east end abut residential neighborhoods, where people live. She stated that the east end has been the dumping ground for years and she will not support having the facilities in the east end I zones.

Councilor Falkoff thanked the Planning Department for presenting a cogent and clearly worded ordinance.

Councilor Piccirilli stated that he supports the amendment reluctantly noting that 2/3 of Watertown residents voted for this Question – but yet do not want a facility in Watertown. He noted that we cannot prohibit such facilities we can only regulate where they can locate and that this is the least bad choice and thus he will support it reluctantly.

**VOTE:** The motion was adopted by a roll call vote of 6 for and 1 against with Councilors Aaron Dushku, Susan G. Falkoff, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative and Councilor Kounelis voting against.

## 7. MOTIONS, ORDERS AND RESOLUTIONS:

a) [Resolution](#) authorizing a transfer of funds in the amount of \$177,862 from various Fiscal Year 2014 Electricity and Gas Accounts to the Fiscal Year 2014 ESCO Capital Project Stabilization Fund Account. The Manager provided an overview of the transfer. Councilor Piccirilli moved the resolution, seconded by Councilor Lenk and adopted by unanimous roll call vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

b) [Resolution](#) authorizing a transfer of \$500,000 from various Fiscal Year 2014 accounts to the Fiscal Year 2014 Transfer to Capital Projects Stabilization Fund Account. The Manager provided a brief overview of the transfer. Councilor Piccirilli moved the resolution, seconded by Councilor Lenk and adopted by unanimous roll call vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk,

Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

c) [An Order](#) to rescind the borrowing authority approved by Order No. 0-2014-9 regarding 552 Main Street Improvements; and replacing the funds authorized to be borrowed thereunder with proceeds from the Commonwealth of Massachusetts' Backyards Grant Program and available funds.

The Manager provided an overview of the rescinding of the Order No. 0-2014-9 noting the awarding of a Backyards grant in the amount of \$200,000. Together with the \$100,000 transfer in item (d).

Councilor Piccirilli moved the [Order](#) to rescind Order # 0-2014-9, seconded by Councilor Woodland and adopted by unanimous roll call vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

d) Resolution authorizing a transfer of funds related to 552 Main Street Improvements in the amount of \$100,000 from the Fiscal Year 2014 Town Council Reserve Account to the Fiscal Year 2014 Transfer to Town Capital Projects Account.

Councilor Piccirilli moved the resolution, seconded by Councilor Lenk.

Councilors commended Mr. Peter Centola, Recreation Director for applying for and receiving the \$200,000 grant.

Councilor Dushku inquired; is this 2014 monies and after the transfer, what is left in unspent monies.

The Manager replied; yes and \$189.00 will be left.

Councilor Lenk spoke in support of the transfer as an important way to fund capital projects and is a good use of the monies.

The motion was adopted by unanimous roll call vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

## 8. COMMITTEE REPORTS

a) Committee on Public Works report and action on the Naming of Squares – Cecilia Lenk, Chair. Councilor Lenk stated that a report will not be presented tonight as it was not submitted by the agenda deadline. Councilor Lenk read a resolution naming a square in honor of Tony Basile and thanked Councilor Piccirilli for presenting a proclamation to Mr. Basile this past Sunday.

Councilor Piccirilli moved the [resolution](#), seconded by Councilor Kounelis and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis,

Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

The Chair recognized Sandra Basile Duncan who thanked the Councilors for adopting the resolution and neighbor Kenneth Swift and his wife for their help.

b) Committee on Public Safety [report](#) with [comments](#) regarding a Public Safety study – Susan G. Falkoff, Chair. Councilor Falkoff read the committee report. Councilor Woodland moved to accept the report, seconded by Councilor Piccirilli and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

#### 9. NEW BUSINESS:

Councilor Piccirilli moved to accept a [proclamation](#) in honor of Anthony “Tony” Basile, seconded by Councilor Woodland and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

Councilor Falkoff moved to refer to Public Safety subcommittee; Watertown's experience with the Secure Communities act and whether the town council should discuss policy around enforcement; seconded by Councilor Dushku and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett voting in the affirmative.

#### 10. COMMUNICATIONS FROM THE TOWN MANAGER:

a) Request for Confirmation of appointment to the Cable Access Corporation Board of Directors. So referred.

b) Request for Confirmation of reappointment to the Stormwater Advisory Committee. So referred.

c) Five Thursdays left for Summer Concert series.

d) Mr. Tracy and the Manager had a meet and greet with the new School Business Director.

e) Mr. Magoon has been appointed as the Assistant Town Manager.

#### 11. REQUESTS FOR INFORMATION:

Councilor Dushku requested information on the following 3 matters:

1. With respect to Arsenal on the Charles property permitting for Kiosks; “what happened in the permitting process and where are they now”.

2. Please provide a breakdown of the cost for hiring a consultant for what is proposed in the petition we received tonight; if the Council were to entertain that as a possibility.

3. Clarification of previous request: Would like a simple report on what the levels are at each of the outfalls and which are the main contaminating sewer sheds.

Councilor Lenk requested an update on progress of the ESCO project.

12. ANNOUNCEMENTS – none noted.

13. PUBLIC FORUM – none noted.

14. ADJOURNMENT: There being no further business to come before the Council, Councilor Woodland moved to adjourn the meeting at 8:45 pm, seconded by Councilor Dushku and adopted by unanimous voice vote with Councilors Aaron Dushku, Susan G. Falkoff, Angeline B. Kounelis, Cecilia Lenk, Vincent J. Piccirilli, Jr., Kenneth M. Woodland and Vice President Stephen P. Corbett 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 on August 12, 2014.

Mark S. Sideris, Council President