

MINUTES

TOWN COUNCIL MEETING

TUESDAY, MAY 13, 2008 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 P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

2. PLEDGE OF ALLEGIANCE

3. ACCEPTANCE OF MINUTES: April 8th (previously Tabled) and April 22nd. Councilor Sideris read Council Rule 7.7 and suggested that the amendments as submitted by Councilor Devaney to the minutes of April 8th be accepted as an attachment as they are additional comments and not corrections of factual errors. Councilor Devaney voiced her opposition to the attachment rather than including the language in the body of the minutes and moved to adoption the April 8th minutes as amended. Upon a roll call vote the motion failed 3-5-1 with Councilor Devaney voting Present and Councilors Kounelis, Corbett and Piccirilli voting yes. Councilor Sideris moved to accept the minutes of April 8th with the attachment as presented by Councilor Devaney, seconded by Councilor Falkoff and adopted by unanimous roll call vote. Councilor Sideris moved to accept the minutes of April 22nd as written and adopted by voice vote.

4. PUBLIC FORUM

The Chair recognized the following residents under Public Forum:

1. Carl Neugebauer and Robert Childs, Historical Society members – cordially invited citizens and the Council to the Edmund Fowle House open house on Saturday to recognize the restoration of the historic property.

2. Anna Clark, member of Trees for Watertown – stated that at the abrupt conclusion of the public debate regarding the removal of certain trees surrounding the Saltonstall statue. DCR removed all the trees which were under discussion, as several were promised to be trimmed rather than cut down.

3. Libby Shaw, member of Trees for Watertown – read a statement regarding the removal of certain trees by the Department of Conservation and Recreation and their ongoing maintenance of trees planted by them which she stated is lacking. And asked what the Town will do to maintain the newly planted trees.

4. Michael Donham, Royal Street – spoke in concern with the unilateral action of DCR in removing the trees which were slated for trimming only as discussed at a recent public forum. Public private process broke down he indicated and along with trust, which he noted is tragic.

5. Ruth Thomasian, President of Trees for Watertown – Trees are important and not respected enough she stated and the lack of a management plan with the DCR is a money issue.

The Chair suggested writing a letter to DCR regarding what transpired between the town and DCR. So moved by Councilor Sideris, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Falkoff moved to refer the matter for further discussion to State, Federal and Regional Government, seconded by Councilor Hecht and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward agenda item 6A, seconded by Councilor Lawn and adopted by voice vote.

6. INFORMATION PRESENTATION FROM TOWN OFFICERS AND EMPLOYEES:

- A. Brief Informational Presentation on Recommendations to the Watertown Town Council from the Watertown Environment and Energy Committee – Kenneth Mirvis, Chair. The Chair recognized Mr. Mirvis who elaborated on a WE3C report highlighting the following areas: the pros and cons of an Esco versus an Energy Officer; the establishment of a ten year payback plan; establish a Minimum Performance Standard for new construction; minimizing impact of Storm Water Management; have Town become a model for energy efficiency; establish an Ad Hoc Committee and request monies for assistance. He also noted that gym lighting in the schools are now on the radar and that the Town needs an inventory of what exists in the town in order to make a decision on where the Town can realize savings.

Councilor Devaney thanked Mr. Mirvis for all his hard work.

Councilor Lawn thanked Mr. Mirvis for the presentation and stated that the Council is committed to the energy efficiency effort and that education is the key. He also stated that the issues are important and should be kept in the forefront.

Councilor Falkoff moved to have further discussion of these recommendations in a joint meeting of Budget and Fiscal Affairs and Public Works. Councilor Sideris stated that without dollar amounts, there would be nothing to discuss in Budget and Fiscal Affairs. Mr. Mirvis agreed and stated that his committee is always away from having dollar figures.

Councilor Hecht stated that there needs to be more immediate discussions on some very key issues that need short term attention so that the Town can move quickly on them. Councilor Hecht also stated that the Town needs to adopt a policy on the payback issue at the subcommittee level and more importantly to set up a mechanism to continue discussion in order to stay on top of this.

Councilor Corbett asked how much flexibility is there with the esco and can there be an arrangement for an assessment of savings on a short term.

Mr. Mirvis stated that that is a very good question that he does not have an immediate answer to and asked that Councilors compile and forward questions to him and he will return with answers in the near future.

Councilor Sideris moved to establish an Ad Hoc Committee to work with the Energy Efficiency Committee and the Council as a whole moving forward.

The Manager stated that the schools are already talking to Honeywell but that it is a complex issue and there will be no decision made by July 1st. He suggested that Ms. Parsons work closely with Mr. Mirvis and the Committee and that the schools be included as well.

Councilor Sideris amended his previous motion as follows: establish a temporary ad hoc committee called "Temporary Issues Committee" and any Councilor interested in serving submit their name to Council President by next meeting where upon the three people will be chosen to serve, seconded by Councilor Falkoff and adopted by voice vote.

5. COMMITTEE REPORTS:

A. Personnel and Town Organization Committee report on Evaluation and

Compensation related matters for Town Manager and Council Clerk – Stephen P. Corbett, Chair. The Chair recognized Councilor Corbett who read and elaborated on the Committee's report (attached). He indicated that the present evaluation form for the Manager is good and that it was only in need of minor modifications. Councilor Corbett reviewed the draft including a lengthy review of the goals and objections section and asked that any further modifications to the form be forward to him or the Council Clerk to be reviewed at the next scheduled Personnel meeting. There was discussion on deleting Section C. Councilor Hecht asked that the whole section not be deleted but be tweaked. The Chair concurred. Councilor Devaney stated that Section C should be eliminated from the Manager's evaluation tool as no councilor can evaluate the private meetings between the Manager and his staff. She expressed her appreciation to the Committee in addressing a new evaluation tool for the Manager as she has not been successful in the past in bringing forward any changes to the tool.

Councilor Falkoff thanked the Committee for all their hard work and inquired about how to keep track of the running list of requests for information assigned to the Manager. It was decided that the Committee will discuss this issue further at its next meeting and perhaps enlist the assistance of the Council Clerk with this task. Lastly, Councilor Corbett stated that a first reading on the compensation for the Manager and Clerk will take place at the May 27th meeting. He reviewed the Committee's recommendation noting similar agreements have been reached by the unions for the same time period.

Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote.

Councilor Hecht thanked the Committee for their hard work on the evaluation tool and salary as it is an important step going forward. He noted that all these areas; evaluation tool, budget setting policy, appointment processes have all been areas where the Council has made big strides in the last two years and that it will have a big effect on the overall quality of our town government.

B. Human Service Committee report and action on an appointment to the Housing Authority

– John J. Lawn, Jr., Chair. The Chair recognized Councilor Lawn who stated that the Human Services Committee met earlier this evening to interview Mr. David Della Costa for reappointment to the Housing Authority. The Committee was extremely impressed with Mr. Della Costa's qualifications and unanimously voted to forward his appointment for confirmation to the Town Council. Councilor Sideris moved to accept the report, seconded by Councilor Devaney and adopted by voice vote. Councilor Lawn moved the reappointment of Mr. David Della Costa for a five year term to expire on May 15, 2013, seconded by Councilor Hecht and adopted by voice vote.

C. Public Works Committee report on Storm Water Permit Issues – Susan G. Falkoff, Chair. The Chair recognized Councilor Falkoff who read the Committee's report on storm water permitting issues (attached). Councilor Devaney stated that Watertown is ahead of a lot of other communities in this area thanks to the Superintendent of Public Works, Gerald Mee and Consultant Mr. Blenko. Councilor Piccirilli stated that 40% of the sewer pipes have been inspected for leaks and where leaks were found, repaired, which is a difficult task and more work needs to be done on the system. Councilor Sideris moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote.

6. INFORMATION PRESENTATION FROM TOWN OFFICERS AND EMPLOYEES:

- B. Brief Informational Presentation on Recommendations to the Watertown Town Council from the Watertown Environment and Energy Committee – Kenneth Mirvis, Chair. The Chair recognized Mr. Mirvis who elaborated on a document handed out to each councilor and to the audience. **PREVIOUSLY DISCUSSED.**

7. MOTIONS, ORDERS AND RESOLUTIONS:

A. Motion to refer to Committee Dedication of corner of Chauncey/Mt. Auburn Streets honoring. Mardiros Betigian – Angeline B. Kounelis. The Chair recognized Councilor Kounelis who stated that she is withdrawing the agenda item at the request of the family. She provided a brief background of the Betigian family who are lifelong resident of the east end and made note of an existing plaque which she would like restored.

B. First Reading on an Ordinance Modifying the Composition of the Traffic Commission and referral to Committee. The Chair recognized Councilor Falkoff who stated that pedestrians and bicyclists are not represented adequately enough and moved that the Ordinance be referred to the Rules and Ordinances Committee in order to consider modifying the Ordinance to add a member of the Bicycle Committee to this Commission, seconded by Councilor Kounelis who also asked that Public Safety be included. Councilor Falkoff accepted the friendly amendment. Adopted by voice vote.

It is noted for the record that the Council President stepped out of the meeting and Vice President Sideris Chaired.

C. First Reading and referral to the Planning Board regarding an amendment to the Zoning Ordinance. Vice President Sideris recognized the Manager who provided a brief overview of the matter. He stated that a Planning Board meeting will be held on May 19th to discuss the proposed zoning amendment.

The Council President returned to Chair the remaining agenda items.

D. Resolution authorizing the Acceptance of the provisions of Massachusetts General Laws Chapter 32, sec. 7(2)(d)(iii). Vice President recognized the Manager who provided a brief overview of the matter. Councilor Sideris moved the resolution, seconded by Councilor Falkoff and adopted by unanimous roll call vote.

8. PRESIDENT'S REPORT

The Chair asked for a motion to Suspend the Rules to bring forward a matter regarding Committee membership which was Tabled by Charter Privilege by Councilor Devaney at the last meeting and must be brought back to the Table at the next subsequent meeting, which is tonight, he noted. Councilor Sideris made the motion, seconded by Councilor Corbett and adopted by voice vote. Councilor Lawn moved to keep the committee's as assigned until the end of the year. Councilor Hecht asked for a friendly amendment that the committee assignments remain until the end of their term. Councilor Lawn concurred.

Councilor Devaney stated that it was disruptive when the President removed her as Chair of Public Safety. She further stated that she is the only Councilor that does not have chairmanship according to the Rules as well as being taken off a committee. She explained that when she was Chair she had held meetings of the public safety subcommittee and they had taken time to deliberate on issues.

Councilor Kounelis provided an overview of the issue which was sent to the Committee of Rules and Ordinances.

Councilor Falkoff asked for a clarification on the matter. She stated that Councilor Hecht had previously moved to Waive the Rules regarding 3 members to a committee so that the current membership remain serving until the end of their two year term; and also she noted Attorney Reich at the last meeting provided a legal opinion that with a four membership committee, a quorum is two.

Attorney Reich concurred with the previous meetings definition of a quorum.

Councilor Hecht concurred with Councilor Falkoff and moved to temporarily Waive the Rule on committee membership until the committee assignments expire in which time the Rule automatically be reinstated regarding the three committee membership, seconded by Councilor Falkoff and adopted by a roll call vote of 8-1 with Councilor Devaney voting no.

9. COMMUNICATIONS FROM THE TOWN MANAGER

A. Request for Confirmation of appointment to Board of Election Commissioners. The Chair used his Charter Privilege to Table the referral.

1. Summer Hours begin next week.
2. Household Hazardous waste collection dates Saturday, pre-registration required.
3. Auction for 27 Churchill Lane set for June.
4. Looking to have RCN as a fully licensed provider; similar to Comast. Verizon discussions will continue.
5. PDS for Boston Scientific approved by the State; subsequently state grant is moving forward in amount of \$100,000 for permitting software. Award will be announced tomorrow.

10. REQUEST FOR INFORMATION

Councilor Falkoff asked that Attorney Reich provide an update on a previous request on how to proceed in making Whitney Woods a conservation land.

Councilor Falkoff also asked for an update on a previous request for "Change the Margins" .

Councilor Falkoff stated that the orange Azalea in front of the St. Theresa's Church house is gone, she asked if the landscaping plans are consistent with the plans submitted to the ZBA.

Councilor Devaney followed up on a previous request regarding what actions the Manager will take on the Commander's Mansion deficit. The Manager indicated that the Planning staff is working on this and further discussion will take place during budget hearings.

Councilor Devaney asked for an update on the still vacant Town Engineer position.

11. ANNOUNCEMENTS

Councilor Hecht announced that the Planning Board will hold a meeting on May 19th on the Pleasant Street Corridor and zoning amendments.

12. PUBLIC FORUM – none noted.

- 13. EXECUTIVE SESSION** Councilor Sideris moved to adjourn the Town Council meeting at 9:50 pm in order to go into executive session to discuss strategy with respect to real property and will not return to open session following its adjournment, seconded by Councilor Lawn and adopted by unanimous roll call vote.

I hereby certify that the above minutes for May 13th were adopted by voice vote as amended on June 10, 2008.