

**MINUTES  
TOWN COUNCIL MEETING  
TUESDAY, AUGUST 11, 2009 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 meeting were Councilors Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, Vincent J. Piccirilli, and Vice President Mark S. Sideris. Council President Younger was absent with Councilors Corbett and Lawn arriving after the call of the roll. Also present were Town Manager Michael J. Driscoll, Town Attorneys Mark Reich and Joe Fair and Council Clerk Valerie Papas.

**2. MOTION TO CONVENE EXECUTIVE SESSION\***

Councilor Piccirilli moved to go into executive session in order to discuss strategy with respect to collective bargaining, seconded by Councilor Hecht and adopted by unanimous vote.

**3. RETURN TO OPEN SESSION – 7:30 PM**

**4. PLEDGE OF ALLEGIANCE**

A Moment of Silence was held for passing of Marion Roberts and Richard Alexson.

**5. ACCEPTANCE OF MINUTES: June 23<sup>rd</sup>, June 29<sup>th</sup>, June 30<sup>th</sup> and July 14<sup>th</sup>.**

Councilor Lawn moved to accept the minutes of June 23<sup>rd</sup>, seconded by Councilor Corbett. Councilor Devaney requested that an attachment be included. Councilor Kounelis requested separate votes. Vice President Sideris called for a vote on the June 23<sup>rd</sup> minutes. Adopted by voice vote. Vice President Sideris called for a vote on Councilor Kounelis' amendment. Adopted by voice vote. Vice President Sideris called for a vote on Councilor Devaney's attachment. Adopted by voice vote.

Councilor Hecht moved the minutes of June 29<sup>th</sup>, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Hecht moved the minutes of June 30<sup>th</sup>, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Hecht moved to accept the minutes of July 14<sup>th</sup>. Councilor Lawn requested that an email by the Fire Chief be attached to the minutes if Councilor Devaney's attachment is included. It was noted that several factual errors in the attachment were corrected by the Chief. Councilor Falkoff questioned accepting an attachment that is known to be inaccurate. Councilor Devaney stated that she supports attaching the Chief's email and further suggested that she Table her attachment until next meeting. The minutes were adopted as written. Vice President Sideris stated that Councilor Devaney's attachment and the Chief's email will be taken up together at the next meeting.

## **6. PUBLIC FORUM:**

Kate Warner, New Rep Theatre Director – introduced herself to the Council and announced a season opener and open house.

Will Trombly – read a statement in support of agenda item 10C as resolution affirming the civil rights of all citizens regardless of their gender identification or sexual orientation. He noted that Watertown is a community of inclusion and that it respects diversity.

Kyle Hart, First Parish Unitarian Church – echoed the previous speaker's comments and noted that the tragedy of the burning of the Rainbow flag gave way to an overwhelming and positive community response.

## **7. PUBLIC HEARING AND VOTE:**

a) Public hearing and vote on the enactment of section 2a of the Local Option Meals Excise Tax and Local Option Room Occupancy Tax in accordance with Mass General Law, Chapter 64L. The Town Manager provided an overview of the meals and hotel tax. He noted that the meals tax would garner \$279,000 in revenue over an eighth month period; the hotel tax would garner \$14,000 in additional revenue for the same time period. The Manager spoke in support of the adoption of both provisions.

Vice President Sideris opened the hearing to the public.

Brenda Fanara, Director of Belmont/Watertown Chamber of Commerce – noted her concern with the additional tax to small business owners. She indicated that the additional tax would pose a disadvantage to restaurants as other towns have not passed such a tax as of this date. Ms. Fanara requested that the Town

Council postpone any action on this matter until a clear consensus can be formed by restaurant owners.

Pedro Alecom, Owner of Casa De Pedro – stated that the additional tax will negatively affect his business which is already down 22%. He noted that his restaurant is not a franchise and that an additional tax during a down economy would hurt.

There being no further comments, the hearing was closed.

Councilor Devaney stated that she is against this tax now and in the future. She stated that the tax is unnecessary and would unduly hurt small businesses adding to their burden. Some restaurants have reduced staff and eliminated lunches, she noted.

Councilor Corbett stated that he does not like to support additional taxes but it would be the responsible thing to do in passing this. He indicated that Watertown needs to find additional revenue sources to maintain basic town services. He indicated that  $\frac{3}{4}$ % tax on a restaurant bill should not appreciably hurt businesses. It is less objectionable than other revenue taxes and therefore he will reluctantly support the proposal, he stated.

Councilor Kounelis stated that the surrounding communities have not enacted this. It is important to see what other larger communities are going to do, she noted. At this point in time, Watertown needs to continue to be a destination and she indicated that she will not support it at this time.

Councilor Piccirilli read a written statement (attached). He indicated that decisions should be made on the facts and not emotions. Revenue dollar amounts were provided by Councilor Piccirilli which indicated that state aid to cities and towns have dropped dramatically leaving towns to raise their own revenue. He noted that research shows that this small tax will not unduly hurt customers or restaurant owners as those feeling the pinch may each out with more discretion; those who are not feeling the pinch are still spending and keeping pace with inflation. Councilor Piccirilli further pointed out that on a \$100.00 meal bill, paying an additional .75 is unlikely to drive away satisfied customers to another town that does not have the additional  $\frac{3}{4}$ % tax. Councilor Piccirilli urged councilors to consider the facts and support the meals tax which is the responsible action to take.

Councilor Lawn requested that notices of the proposed tax be sent out through the Assessors' office to those businesses that will be affected by it. He further stated that the community needs to be educated on the matter and that he will not be in support of this tonight.

Councilor Hecht stated that he does not consider this lightly as he has a good sense of what the impact will have, though it is necessary. There is a lot of uncertainty in the economy; on balance, he noted that it is reasonable to put it off for some time. He further indicated that the Manager is prudent to try to diversify as it makes business sense. The town is eating into its reserves and falling into the lower end and faces tough choices ahead, he stated.

Councilor Falkoff thanked Councilor Piccirilli for amassing so many facts to state the case in support of the tax. She pointed out that the Council some months ago sent a letter to the Governor supporting this tax. She further expressed her concern over the amount of reserves the town has in order to cover emergencies.

Councilor Sideris concurred with Councilor Devaney in that he also has a concern with being the first community to impose such a tax; though he stated he believes it is inevitable. He supports postponing the matter in order to first educate the public to this new tax and second, to take a look at how it is impacting other communities as the Council considers it going forward.

Councilor Devaney noted that she is not in favor of this tax now or in the future as there are better ways to deal with a lack of town revenue than putting the burden on restaurants.

The Manager stated that discussions on this matter began on July 14<sup>th</sup>; along with a letter of support to the Governor which was sent over the winter. The Manager indicated that the Council will soon look at forecasts for Fiscal Year 2011 and realize that the cost of services exceed the revenue. He noted that he looks forward to dialogue in the fall as more information becomes available.

Councilor Piccirilli moved that the Council will address the issue prior to November 30<sup>th</sup>, seconded by Councilor Lawn and adopted by voice vote, with Councilor Devaney voting no.

## **8. COMMITTEE REPORTS:**

- a) Committee on Public Works report and action on the appointment of Ernesta Kraczkiewicz to the Stormwater Advisory Committee and a report on streets/sidewalks; street sidewalk construction and updated trash fees. Councilor Piccirilli read the Committee report (attached) on a sidewalk/curb policy; roadway reconstruction project update; and business trash fees were reported on. The Committee also reported on a

meeting to interview Stormwater Advisory Board candidate, Ernesta Krackiewicz.

The Committee unanimously voted to recommend Ms. Krackiewicz' one year appointment to the full Council. Councilor Devaney moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote. Councilor Falkoff moved to confirm Ms. Krackiewicz, seconded by Councilor Devaney and adopted by voice vote.

Councilor Kounelis asked what the timeframe was for construction of Irma Avenue, Arlington and Elm Streets.

DPW Superintendent, Gerald S. Mee indicated that with respect to Elm/Arlington Streets, his department is filing paperwork with the Conservation Commission to hear their concerns and will try to get it completed this work season. With respect to Irma Avenue, that street has been moved to a water system study for which several meetings have taken place and at this point it is too early to give a timeframe.

Councilor Devaney asked about Common Street reconstruction. Mr. Mee stated that drainage problems have plagued Common Street. He noted that he is looking at different planting methods to ease drainage problems and further stated that an existing concrete slab beneath the street will need to be removed making the project more expensive.

- b) Joint Committees on Economic Development and Planning and Rules and Ordinances report on a proposed Historic Landmark Ordinance – Councilors Jonathan Hecht and Angeline Kounelis, Chairs. Councilor Hecht read the Committee report (attached). It was noted that David Russo provided an informative presentation at the meeting. Councilor Hecht noted that they are seeking widespread input from the public. The proposed Ordinance is undergoing further revision by Mr. Magoon to which a follow up meeting will take place by the Committee. Councilor Falkoff moved to accept the report, seconded by Councilor Devaney and adopted by voice vote. Councilor Falkoff moved to include documents provided by Mr. Russo, seconded by Councilor Devaney and adopted by voice vote.

Councilor Piccirilli moved to Suspend the Rules in order to bring forward a late agenda Committee Report regarding the Charitable Ad Hoc Committee's Emergency Funding program. Councilor Sideris stated that the Committee voted on Monday night to approve \$25,000 of emergency funding for the Family

Network. Councilor Lawn noted that the Family Network have joined in collaboration with the Parent Child Home Program and will work with the schools. He asked that the matter of a more permanent home for the organization be referred to the Education and School System Matters Committee. Councilor Devaney moved to accept the report, seconded by Councilor Lawn and adopted by voice vote. Councilor Lawn moved to refer the matter of a permanent home to Subcommittee, seconded by Councilor Falkoff and adopted by voice vote. Councilor Devaney moved to approve the Committee's recommendation to provide an emergency funding of \$25,000 to the Family Network/Home Child Program, seconded by Councilor Hecht and adopted by voice vote.

#### **9. INFORMATIONAL PRESENTATION FROM TOWN OFFICERS AND EMPLOYEES:**

a) Informational Presentation on the Environment & Energy Efficiency Committee's efforts in accordance with Resolution 2008-38 – Kenneth W. Mirvis, Chair. Mr. Mirvis provided a power point presentation (hard copy attached). The Manager stated that Mass Energy will come in and work with the town and schools, who will play a critical role in energy savings; with a meeting taking place in September on how to move forward with an Esco initiative. A dialogue will take place with the Council as the grant process moves forward along parallel tracks with the schools. The Manager noted that this is a good government issue.

Councilor Piccirilli moved to refer to Committee on Economic Development and Planning the matter of satisfying the requirements for the Green Community Act, seconded by Councilor Falkoff and adopted by voice vote.

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

a) Proclamation recognizing the 70<sup>th</sup> birthday of Johnny Vartanian; Charles J. Shutt League Detachment's 50<sup>th</sup> Anniversary – Clyde L. Younger, Council President. Councilor Devaney moved to accept the proclamation for Johnny Vartanian, seconded by Councilor Kounelis and adopted by voice vote. Councilor Devaney moved to accept the proclamation for the Shutt Detachment, seconded by Councilor Kounelis and adopted by voice vote.

b) Resolution on the Fiscal Year 2011 Budget Process – Mark S. Sideris. Councilor Sideris read the resolution regarding establishing a timeline for the budget process (attached). Councilor Hecht moved the resolution, seconded by Councilor Piccirilli and adopted by voice vote.

c) Resolution affirming the rights of all citizens regardless of sexual orientation or gender identification – Clyde L. Younger, Susan G. Falkoff and Marilyn M. Petitto Devaney. Councilor Falkoff read the resolution (attached). Councilor Devaney moved to accept the resolution, seconded by Councilor Kounelis. Councilor Hecht spoke in support of the resolution noting that the burning of the Rainbow Flag caused real hurt and vulnerability. At the same time, he noted some good has come out of a terrible thing.

Councilor Devaney stated that the overwhelming concern was the motive behind the burning and noted that it was important to do this. Adopted by voice vote.

d) Resolution authorizing the establishment of a Revolving Fund to account for the Organized Crime Drug Enforcement Task Force lease activity during Fiscal Year 2010. The Manager and Auditor provided a brief background. The Chair recognized James Alandydy, United States Marshals Services who provided background on the OCDE Task Force which is the flag ship program of the Department of Justice. Mr. Alandydy indicated that the main mission in moving to Watertown is to provide a home base for the group.

The Auditor noted that the reimbursement system is working well and that the town is receiving reimbursements in a timely manner. Regarding confiscated funds, Mr. Alandydy noted that some funds have already begun to trickle into the town.

Councilor Devaney moved the resolution, seconded by Councilor Kounelis and adopted by voice vote.

#### **11. COMMUNICATIONS FROM THE TOWN MANAGER:**

a) Request for Confirmation of appointment to the Planning Board to Committee of Economic Development and Planning.

b) Request for Confirmation of re-appointments to the Cable Access Corporation to the Committee of School System Matters.

The Manager noted that a Regionalization Tool Kit seminar is being sponsored by the State which several department heads will attend.

On a previous communication in July, the Manager noted that Chief Deveau has reached out to his counterpart in Waltham regarding the BJ Wholesale project for a joint meeting.

## **12. REQUESTS FOR INFORMATION**

Councilor Kounelis noted that there are still pending items requested of the Town Manager. Another Issue she noted is regarding Ladder 2 in the east end, how many times has the ladder has been out of service?

## **13. ANNOUNCEMENTS**

Councilor Lawn announced that a rock crusher will be on site at the former Browne School which may at times be loud. He indicated that the neighborhood has been notified.

## **14. PUBLIC FORUM – none noted.**

**15. ADJOURNMENT:** There being no further business to come before the Council, Councilor Piccirilli moved to adjourn the meeting at 10 pm, seconded by Councilor Lawn and adopted by voice vote.

**At a regular meeting of the Town Council for which a quorum was present, the above minutes for August 11, 2009 were adopted on September 8<sup>th</sup>, as written, by voice vote.**

**Clyde L. Younger, Council President**