

**MINUTES
TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 10, 2009 AT 6:15 PM
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING**

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 6:15 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, Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.
2. **EXECUTIVE SESSION – 6:15 PM** Councilor Sideris moved to go into executive session in order to discuss strategy with respect to the purchase, lease or sale of real property, seconded by Councilor Kounelis, for discussion purposes.

Councilor Kounelis reference a memo dated 10/27/09 from Town Manager Drscoll that noted reuse of branch libraries in conjunction with a request for executive session. She continued by indicating that on 10/24/09 there was a joint committee meeting of the Economic Development and Planning and Human Services to discuss the disposition of the branch libraries. Subsequently, an Ad Hoc Committee was appointed and a citizen forum was convened, facilitated by Robert Miller and members of the Watertown Community Foundation. The councilor inquired why the need now to go into executive session and bypass the public process.

The Manager stated that he is in receipt of a document which details interest in town property.

Councilor Lawn stated that due to drastic changes in the economy since that time, the logical next step would be to address a letter of intent amongst councilors.

The Chair asked Attorney Reich if the sale or lease of public property can be discussed in open session. Attorney Reich indicated that discussing such a matter such as this in executive session would be of benefit to the town as the council would be able to strategize freely and clearly.

The Chair indicated that selling the Parker School was a mistake and noted that an ad hoc committee is in place to determine this matter.

Councilor Piccirilli stated that the Council has not discussed the proposed strategy and if this is taken up in public session, the town's leverage is weakened. He further noted that state law allows for this discussion to take place in executive session and that once a decision is reached by the Council, we may proceed in public.

Councilor Devaney asked for an opinion from Attorney Reich. Attorney Reich reiterated his previous comments that discussing the matter in open session at this point in time is detrimental to the town.

Upon a roll call vote to go into executive session in order to discuss strategy with respect to the sale, lease or purchase of town property, it was adopted by a vote of 6 in favor and 3 against with Councilors Kounelis, Devaney and President Younger voting against.

3. RECONVENE OPEN SESSION – 7:15 PM
4. PLEDGE OF ALLEGIANCE

The Chair called for a Moment of Silence for the passing of Claire Marie Moscato, mother of DPW Head Clerk Cindy Coffin; and for the passing of John Koumjian former Director of Math and Science and husband of Mary Howard Koumjian.

5. ACCEPTANCE OF MINUTES: October 27, 2009: Councilor Piccirilli moved to approve the minutes as amended, seconded by Councilor Sideris. Councilor Lawn stated that before the Council votes to approve the minutes as amended, he moved to attach a memorandum from the Library Trustees and a document relating to lease payments regarding the former Browne School and cost summary analysis, so that misleading comments do not go unchecked, seconded by Councilor Corbett.

Councilor Devaney moved to Table the minutes, seconded by Councilor Sideris.

The Chair indicated that the Council Clerk was in the middle of a roll call vote and asked that the Clerk be allowed to finish the call of the roll.

Regarding the attachments, the motion was defeated 3-6 with Councilors Falkoff, Corbett and Lawn voting in favor and Councilors Kounelis, Hecht, Piccirilli, Devaney, Sideris and Younger voting against.

The Council President asked if anyone has signed up for Public Forum.

Councilor Lawn indicated that the minutes have not been voted. The Council President indicated that the minutes have been adopted.

Councilor Falkoff moved to reconsider the adoption of the minutes and if passed she would like to Table the minutes until the next meeting, seconded by Councilor Sideris. The motion to reconsider was defeated 4 in favor and 5 against; with Councilors Sideris, Falkoff, Corbett, and Lawn in favor and Councilors Devaney, Piccirilli, Hecht, Kounelis and Council President against.

6. PUBLIC FORUM:

Carl Paulson, 75 Partridge Street – spoke in support of a proposed ordinance prohibiting the erection of mausoleums at Ridgelawn cemetery citing concern over odor and leakage. He also spoke in concern with the existing condition of the cemetery.

Debbie Munger, 247 Highland Avenue – also spoke in support of the proposed ordinance noting health issues regarding mausoleums, cost of the buildings and esthetics. She read and forwarded a petition opposing the mausoleums to the Clerk, attached.

Angelo DeVincentis, Waltham resident – spoke against mausoleums and noted the nuisances and poor condition of the existing cemetery. He noted that he has been in contact with the Waltham Mayor who will be contacting the town of Watertown.

There being no further comments, the public hearing was closed.

The Chair asked for a motion to Suspend the Rules in order to bring forward agenda item 8c Proposed Ordinance: Re Mausoleums sited at Ridgelawn Cemetery, sponsored by Councilor Devaney.

Councilor Devaney moved a first reading.

Councilor Falkoff inquired if the motion was for a first reading.

The Chair stated that he is requesting 8C be brought forward so that he can read what the ordinance says and that it will be referred to Rules and Ordinances.

Councilor Sideris moved the request, seconded by Councilor Devaney.

The Chair noted that Attorney Reich has placed the proposed Ordinance in proper legal form for referral to committee. The Chair read the proposed ordinance.

Councilor Lawn spoke in favor of the proposed ordinance and indicated that the subject matter of mausoleums was generally being discussed in committee and no recommendation had been made to the Council regarding the subject matter.

Councilor Falkoff, Chair of the Public Works committee stated that she hears the concerns from the neighbors and that the committee had voted not to make any recommendation for mausoleums. She stated that the worst case scenario of several buildings on the site would never have been the best way to solve the problem.

The Chair indicated that Councilor Devaney was being proactive on the matter and that he will visit the cemetery with respect to comments made regarding the existing poor condition at Ridgelawn.

Councilor Devaney, sponsor of the proposed ordinance, stated that more meetings were not necessary as it just wears down the residents, and the process for the ordinance requires hearings for the public to be heard.

Councilor Sideris stated that a November 24th public hearing date is not a realistic date and that the December meeting may be a more likely scenario.

7. COMMUNICATIONS AND REPORTS FROM TOWN OFFICERS AND EMPLOYEES:

a) Informational Presentation on Coolidge Square Improvements, Reconfiguration of Mount Auburn Street Traffic and Reconfiguration of Main Street - Gerald S. Mee Jr., Superintendent of Public Works. Mr. Mee summarized his November 5th memorandum, attached, regarding the above subject matter. The Mee stated that he believes the supporting information from the study would allow the Town to perform interim safety improvements in Coolidge Square and the Mt. Auburn Street corridor itself, therefore meeting the Council's concerns while at the same time utilizing all data collected, past and present, to support a full scale transportation project.

Councilor Corbett inquired when the town can begin to utilize Chapter 90 monies; can Councilors get a copy of the Traffic Control Agreement and why the high cost, \$100,000-130,000 for a traffic study.

Mr. Mee indicated that the town has the money in hand. He noted that having Mass Highway conduct the study for Main Street will reduced that cost amount. He further indicated that design and analysis to re-stripe the road is required, based on the Traffic Control Agreement and does provide the town with a level of protection.

Councilor Hecht inquired if the Traffic Control Agreement is a standard set of requirements. Mr. Mee indicated that it is and indicated that he will forward the

manual to Councilors. Councilor Hecht noted that he assumes the cost is to study current conditions and also designing/proposing the changes. Mr. Mee indicated that is correct.

Councilor Kounelis indicated that Mt. Auburn Street was last done 30 years ago. She noted that it looks like combining the projects is the best use of monies and asked if Chapter 90 monies are being taken away from side streets in order to address Mt. Auburn Street. Mr. Mee indicated no, that every year monies are put aside for designing roads. Mr. Mee further stated that that the information gathered from the study will determine what is done in-house and what is not.

Councilor Devaney recommended the matter go before the Traffic Commission as well for their review and suggestions.

b) Informational Presentation on the status of the Fiscal Year 2010 Re-Assessment and Property Re-Inspection – Daniel A. Loughlin, Chairman of the Board of Assessors. Following the presentation of setting tax rates, Mr. Loughlin noted that his department will work with the Department of Revenue for required certification deadlines and will be providing mailings, news releases, and information on the town’s website to keep resident informed and noted that fairness and equity is always the main objective.

Councilor Corbett inquired if the town conducts re-inspections every three years. Mr. Loughlin stated that it is a never ending process with the State requiring re-inspections every 9 years.

Councilor Hecht asked if the re-valuations will have a big impact on residents’ bills. Mr. Loughlin indicated that he did not believe it would.

8. 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 \$881,000 under Chapter 44 of the General Laws or any other enabling authority, for the purpose of purchasing departmental equipment for the Fire Department, Police Department and the Department of Public Works. The Manager provided an overview of the loan order and noted that the loan order will be advertised for a public hearing and vote for the November 24th Town Council meeting.

b) **Acceptance of Proclamation honoring Police Chief Edward P. Deveau.** The Chair read and presented a proclamation to Chief Deveau in recognition of his regional Thomas Mann award.

The Chief noted that his efforts have been a shared effort working with many communities through NEMLEC and responding to emergencies in a regional capacity. The Manager indicated that regional opportunities help communities to do more with fewer dollars.

c) **Proposed Ordinance: Re Mausoleums sited at Ridgelawn Cemetery.** Previously taken up.

9. UNFINISHED BUSINESS FROM PRIOR MEETINGS:

a) **Resolution and referral to subcommittee regarding a Personnel Review Panel.** Councilor Sideris moved the referral to subcommittee, seconded by Councilor Kounelis.

Councilor Hecht stated that the current Charter is quite clear with respect to the delineation between the Administration and Legislation. He noted that this resolution is inappropriate giving our current Charter and would not be a good use of the committee's time.

Councilor Corbett, Chair of Personnel stated that his personal view is that this resolution is inappropriate and could be problematic. He indicated that if it is sent to his committee, he will look it over but won't support it.

Councilor Lawn, member of Personnel concurred with Councilor Corbett.

The Chair stated that he does not see this being inconsistent with the Charter.

Councillor Devaney spoke in favor of the resolution to establish a Personnel Review Panel. She said there should be a process in place for an employee to be heard. She referenced one instance years past when Police Captain Charlie Jacoppo requested an executive session to speak before the councilors but was refused. She explained that it was concerning a violation of the state statute that requires the appointing authority, in the absence of a police chief – to appoint the next highest ranking officer as "Acting" Chief. She explained that State statute was violated in two ways - that Charlie was bypassed. An officer two ranks below was appointed-and the statute also prohibits an "Acting" officer being appointed an 'Acting" Chief.

Councilor Piccirilli stated that the proposed resolution is toothless, meaningless and just amounts to busywork; without changing anything. He further noted that it would be a waste of time to take on something that doesn't really matter and would only politicize the hiring and firing of employees. Workers are unionized with grievance policies in place. He noted that a particular firing, which was the catalyst for the proposed resolution was not challenged by the union.

The Chair stated that there are serious allegations in the police department and that the body would be an objective panel.

The Manager stated that he takes exception to the Chair's comment regarding allegations in the police department and noted that there are collective bargaining agreements in place and that civil service rules mandate a probationary period.

Councilor Kounelis stated that this is a touchy situations but that she agrees with the Chair and that there are situations where employees need someplace to go where people are unbiased.

Councilor Devaney stated that there are injustices on the police department and that there have been violations in the past with respect to promotions.

Upon a roll call vote, the referral was defeated by a vote of 3 in favor and 6 against; with Councilors Kounelis, Devaney and Younger voting in favor and Councilors Falkoff, Lawn, Sideris, Piccirilli, Hecht and Corbett voting against.

10. PRESIDENT'S REPORT:

a) December Council Meeting date. The Chair stated a special state election has been scheduled for December 8th which requires the Council to move its meeting date to another day. Following a discussion on several dates, the Council voted December 15th as the December Town Council meeting date for 2009.

b) Policy regarding Cable Access Corporation
Attorney Reich reviewed a policy in Newton that provides equal access to all political candidates. He noted however that the matter requires additional study.

The Chair concurred with the Newton policy and asked for a draft to be ready next week.

Councilor Piccirilli noted that the Cable Access Corporation bylaws already have that policy on Page 2 section d.

Attorney Reich stated that the policy in Watertown is consistent with Mass General Laws and that City of Newton takes it one step further assuring that political forums provide equal access to all candidates.

Councilor Piccirilli stated that we need to be careful as to the distinction between a privately produced show and a show produced by the public access channel itself; noting that you cannot regulate the privately produced show's content.

Councilor Hecht indicated that one issue is the relationship between the town council and the cable channel and asked who would adopt this policy as the Cable Access Corporation is not an arm of the town.

Attorney Reich indicated that the policy in Newton was adopted by its Cable Access Channel and that would be the case here as well.

Tamara Green, Cable Access Director stated that the Cable Access Corporation has a clearly defined policy. In this instance, the issue is with a privately produced political forum show and whether proper notice was given to all candidates. Each candidate was mailed a notice with one person not receiving an invitation and another candidate receiving notice late. Every effort was made to get the two candidates back in to the studio.

Councilor Devaney stated that a particular candidate's rights were violated in this instance. She indicated that there was bias there. Let's fix it and not have it continue.

The Chair noted that Attorney Reich will have a policy for November 24th.

11. COMMUNICATIONS FROM THE TOWN MANAGER:

a) Request adoption of local option taxes at the November 24, 2009 Town Council Meeting. The Manager provided background information on the matter and asked that the matter be taken up on November 24th.

Veterans Day Wednesday, Town Hall closed. Reception at Post 411, Arsenal Street.

Flu Clinic – November 17th and December 9th

Yard Waste – November 20th and December 4th.

Last day to register to vote for the special election – Wednesday, November 18th.

12. REQUESTS FOR INFORMATION

Councilor Kounelis indicated that she was contacted by Cottage Street residents regarding the condition of the railroad tracks, specifically, over grown vegetation and coyotes. She noted that she has contacted Senator Tolman and Representative Hecht.

Councilor Devaney requested to list items with the cost that was not included under the word "others".

The Chair stated that he received a resident complaint regarding motorists running red lights at Mt. Auburn and Grove Streets. The citizen stated that there is no police presence in the area.

The Chair asked that the disposition of the branch libraries be brought back to the Council for discussion. The Manager suggested that the matter be placed on the November 24th agenda. Councilor Kounelis moved to place the matter on the November 24th agenda for an update with a vote, seconded by Devaney and adopted by voice vote.

Councilor Falkoff moved to place local option taxes on the November 24th agenda, seconded by Councilor Sideris and adopted by voice vote.

13. ANNOUNCEMENTS

Councilor Hecht announced a Tour of the Town Hall, Saturday.

Councilor Devaney announced that the construction bid documents for the Intersection Improvements: Summer Street at Spring Street; Summer Street at Mt. Auburn Street; and Arlington Street at Nichols Avenue/Coolidge Hill Road/Crawford Street have been completed and that the Highway Department is currently in the process of certifying the low bidder P.V. Barone Corp. She thanked those involved noting how impressed she was at the scope of the project. See attached statement.

Councilor Devaney announced that her last meeting will be on November 24th. She asked that no proclamation be presented to her and that her wishes on this be respected.

14. PUBLIC FORUM – none noted.

15. ADJOURNMENT There being no further business to come before the Council, Councilor Devaney moved to adjourn the meeting at 10:10 pm, seconded by Councilor Sideris and adopted by unanimous vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by voice vote on November 24, 2009 as amended.

Clyde L. Younger, Council President