



Town Council Meeting Minutes

August 3, 2010

Under the Rules and Procedures of the Winthrop Town Council, President Turco called the meeting to order at 7:00PM in the Harvey Room of Town Hall. Councilor Letterie, Councilor Varone, Councilor DelVento, Councilor Sanford, and Councilor Boncore, Councilor Maggio and Vice President Calla were present. Councilor Powers had a prior commitment and was not able to attend.

Councilor Varone led the Council in the pledge of allegiance. Council President Turco asked the Council Clerk to call the roll for the record.

Council President asked for Public Comment, hearing none, he asked the Council if there was a motion for the approval of Minutes that had been distributed in weeks prior electronically.

Minutes

Motion by Councilor Letterie, seconded by Councilor Boncore to approve the minutes of June 15, 2010. Motion passed on a unanimous voice vote.

Motion by Councilor Letterie, seconded by Councilor Maggio to approve the minutes of the Joint Meeting between the Council and the School Committee of July 6, 2010. Motion passed on a unanimous voice vote.

Motion by Councilor Maggio, seconded by Councilor Sanford to approve the minutes of July 6, 2010. Motion passed on a unanimous voice vote.

Correspondence

The Clerk read the following items from the Agenda and stated that these items had been forwarded electronically to the Council and originals were available by request:

- a. Massport ENF Green Bus Depot @ Logan
- b. DCR – Forest Futures Visioning Process
- c. Friends & Family Invitation
- d. Citizen letter
- e. Boston Region MPO July 2010
- f. Recovery Month Information

Health & Safety Report

Councilor Maggio reported on the recent mosquito spraying that occurred after the finding of the West Nile Virus in Winthrop.

Town Manager's Report

Town Manager James McKenna reported on the following items:

- Ferry Service Ribbon Cutting Ceremony
- Town Hall Hours beginning August 9 will increase from 35 to 39 hours allowing for two evenings for residence to conduct business
- Public safety update
- Plan to meet with Chair of School Committee to work out details of School Department move to Town Hall
- Possible ordinance being prepared relative to Taxi Stands in Winthrop
- Capital Improvement Plan for next five years
- Liquor License List
- Transient Vendor Permit violator
- The addition of three new firefighters to the department
- Conservation meeting relative to Massport scheduled for August 11, 2010
- Notice of Intent on Yirrell Beach is on Conservation Agenda for August
- Trash enforcement
- Dog enforcement
- MOU Status with schools
- Work being done to accommodate school department move
- EB Newton RFP
- MAPC – GIC report

Old Business

Held over at the request of Councilor Maggio for this meeting is the appointment of members to the Charter Review Committee. After some discussion over lack of applicants the Council proceeded to a vote.

President Turco held the vote of the Chair, Joseph Boncore until the second meeting in August, because Councilor Powers was absent and Councilor Boncore would be abstaining due to conflict.

Motion by Councilor Boncore, seconded by Councilor Sanford to approve Vice President Linda Calla to the Charter Review Committee. President asked the Clerk to call the role:

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|--------------------|-----|
| Councilor Varone | Yes |
| Councilor Letterie | No |

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|----------------------|-------------|
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Sanford, seconded by Councilor Varone to approve Councilor Powers to the Charter Review Committee. President asked the Clerk to call the role:

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|----------------------|-------------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Boncore, seconded by Councilor Calla to approve Councilor Varone to the Charter Review Committee. President asked the Clerk to call the role:

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|----------------------|-------------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Sanford, seconded by Councilor Calla to approve Marie Turner to the Charter Review Committee. President asked the Clerk to call the role:

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|--------------------|---------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |

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|----------------------|-------------|
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Varone, seconded by Councilor Sanford to approve Joseph Ferrino to the Charter Review Committee. President asked the Clerk to call the role:

| | |
|----------------------|-------------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Sanford, seconded by Councilor Varone to approve Charles Famolare to the Charter Review Committee. President asked the Clerk to call the role:

| | |
|----------------------|-------------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Varone, seconded by Councilor Sanford to approve Town Clerk Carla Vitale to the Charter Review Committee. President asked the Clerk to call the role:

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|------------------|-----|
| Councilor Varone | Yes |
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|----------------------|-------------|
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

Motion by Councilor Sanford, seconded by Councilor Varone to approve Michael Power to the Charter Review Committee. President asked the Clerk to call the role:

| | |
|----------------------|-------------|
| Councilor Varone | Yes |
| Councilor Letterie | No |
| Councilor DelVento | Present |
| Councilor Maggio | No |
| Councilor Sanford | Yes |
| Councilor Boncore | Yes |
| Councilor Powers | Not Present |
| Vice President Calla | Yes |
| President Turco | Yes |

Motion passes five affirmative, two negative, one present.

President Turco called for a short recess of five minutes.

New Business

President Turco asked the Council if there was any objection with moving the Orders of the Day and take the SDOD petition forward. Hearing none, he asked the applicants to come forward.

Attorney Richard Lynds representing the Roberto Family trust introduced himself and the architect, Ms. Elizabeth Whittaker. He stated his client was the owner of the former Governor Winthrop Nursing Home at 142 Pleasant Street and the petitioner would like to see the Special Development Overlay District (SDOD) placed over this property such that they may redevelop. He further stated the business before the Council tonite was the referral of this petition to the Planning Board, for review and recommendation that would then again come back before the Council. Both Mr. Lynds and Ms. Whittaker spoke briefly on the petition and the intent to redevelop the property in a way that will improve the neighborhood.

**Motion by Councilor Letterie, seconded by Councilor Sanford to refer the Petition of 142 Pleasant Street to the Planning Board for review and recommendation.
Motion passed on a unanimous voice vote.**

The Town Manager gave brief presentation relative to fiscal policy moving forward. There was discussion between the Council, the Manager and Finance Director Michael Bertino about building reserves, capital needs and funding collective bargaining.

The Town Manager talked about moving the School Department Administrative Offices to Town Hall and costs associated with the move.

Councilor DelVento asked questions relative to School Choice funds in fiscal 2010 as well as prior years. There was discussion amongst all present and President Turco read the following email into the record dated July 30, 2010 : "Dear Colleagues: In response to Councilor Delvento's inquiry regarding School Choice, please be advised as follows: This morning I spoke with Attorney Don Gordan from the Mass DOR and asked him the following question:

"if a school committee budgets \$190,000.00 in school choice money, and that figure is reflect in the Town's approved budget, but the actual comes in higher, in this case at \$240,000, does the school committee need a vote of the Town Council to expend the excess monies and does the budget need to be modified to reflect this increase?" Attorney Goran informed me that "there is a general law right on point" and referred me to MGL c.76, s.12B(o), which reads in relevant part:

"The commonwealth and the school committee of any town may accept funds from the federal government for the purposes of this section. Any amounts received by the school committee of any town from the federal government, from the commonwealth or from a charitable foundation or private institution shall be deposited with the treasurer of such town and held as a separate account, and may be expended by said school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four. Whenever such funds are received after the submission of the annual school budget, all or any portion thereof may be expended by the school committee without further appropriation, but shall be accounted for in the next annual school budget."

The statute makes clear that the school committee can expend this additional money. I, like Councilor DelVento, am concerned that in prior years the school committee appears not to have complied with the statutory requirement that the expenditure of funds "shall be accounted for in the next annual school budget."

Accordingly, I would ask that Mr. Bertino provide to the Town Council for our next meeting a breakdown of the following:

1) For FY 05,06,07,08 and 09 how much money did the town budget appropriate for school choice?

- 2) For FY 05,06,07,08 and 09 how much money was actually realized for school choice?
- 3) Confirmation if the school committee "accounted for" the expenditure of the difference between #1 and #2 above, where applicable, in each of the following years.

For open meeting purposes, I intend to make this email a part of the official record of next week's meeting during our discussion on this issue.

Be well,
Jeff

Finance Director Michael Bertino had distributed a spreadsheet showing School Choice money in past years as part of the discussion.

There was another brief discussion relative to costs associated with School move to Town Hall.

Motion by Councilor Sanford, seconded by Councilor Maggio to approve Arthur Skip Marcella to the Casino Advisory Committee for a term to expire June 30, 2011. Motion passed on a unanimous voice vote.

Public Comment

Resident and School Department employee MaryAlice Sharkey spoke relative to cumulative savings the Town recognized when employees moved over to the GIC in 2008.

Guy Brandenstein spoke relative to the success of the ferry.

Motion by Councilor Maggio, seconded by Councilor DelVento to adjourn at 10pm. Motion passed on a unanimous voice vote.

Respectfully Submitted,

Carla Vitale

Documents Used in this meeting are as follows:

1. Town Manager's Council Meeting Packet dated August 3, 2010
2. Petition of 142 Pleasant Street to be placed in Special Development Overlay District
3. Committee Appointment Letters for all above appointments.
4. Capital Improvement Plan for next five years
5. Liquor License List
6. Transient Vendor Permit violator
7. Notice of Intent on Yirrell Beach
8. MAPC – GIC report
9. School Choice History spreadsheet

These documents can be found in the Town Clerk's Office upon request.