



Town Council Meeting Minutes

January 18, 2011

Under the Rules and Procedures of the Winthrop Town Council, President Turco called the meeting to order at 7:00 PM in the Joseph Harvey Hearing Room. Councilor Varone, Councilor DelVento, Councilor Powers, Councilor Boncore, Councilor Sanford, Councilor Calla, Councilor Maggio, Vice President Letterie and President Turco were present.

Councilor Boncore led the Council in the Pledge of Allegiance and President Turco asked the Council Clerk to call the roll for the record.

President Turco asked if there was any objection to proceeding out of order to present citations to the John and Abigail Adams Scholarship Recipients. Upon receiving no objection the President congratulated the students and noted that it was a positive reflection on their teachers. Councilor DelVento was asked to say a few words about the Scholarship. Councilor DelVento spoke about how the scholarship is given to students that receive a high score on the States MCAS test and the recipients receive free tuition at any State College or University. About 20% of the senior class at Winthrop High School is receiving the Scholarship. Each Councilor congratulated the students and their families. President Turco read the names of the recipients and presented them with a citation from the Council for their academic achievement. A brief recess followed to take pictures with the Council.

The meeting continued with the approval of the minutes from the January 4, 2011 meeting.

Motion by Councilor Maggio

2nd by Councilor Calla

Approved: January 4, 2011 minutes

Any remaining minutes still waiting to be approved. President Turco will put them on the February 1, 2011 meeting to be approved.

Public Comment

Hearing none the President proceeded to:

Correspondence:

President Turco read a letter from received January 16, 2011 from Ken and Junelle Avery from Woodside Avenue, in opposition of the development of the former Governor Winthrop Nursing Home. He also read a letter received January 18, 2011 from

Emilie L.DiMento and Richard F. DiMento, also from Woodside Avenue, against the same proposed development. The letters are part of the record.

Committee Reports

No Committee Reports

Town Managers Report

Snow Report: The Council was informed that as of today the Town has spent \$72,000 on snow removal. We are only in mid January with more snow expected. DPW Director, Dave Hickey brought the Council up to date. So far we have had 5 snow events with two significant storms. It will be an expensive winter. The salter is being worked on. Cooperation from the public has been good. If residents live near a catch basin if they could see that it doesn't get clogged. Councilor Maggio suggested we budget higher for snow removal due to the fact that we always go over budget. This year we went up to 50,000. Councilor Letterie commended the DPW for a good job acknowledging how challenging it is with the amount of snow we have received. He went on to request that the paths at Ingleside park be marked and cleared for residents walking through the park to access the Center and area schools. Councilor Maggio also suggested that residents help to keep hydrants clear to help the Fire Department who have been shoveling them out. Councilor DelVento mentioned the School bus stops should be cleared and put on a priority list. Councilor Calla acknowledged the difficult job the DPW has looking for places to put all the snow. Dave Hickey went on to say so far we have spent 30,000 on salt. The DPW uses a straight salt solution sometimes adding a brine which performs better than sand. Councilor Varone asked about spraying the solution It would be costly to change the equipment but something we could look into again. As far as equipment, there is a back hoe out of service with the part on order. The build up of ice causing ruts will be addressed with more salting. The equipment for repairing pot holes has been repaired and should be in good working order in the spring to repair pot holes.

The Town Manager reported there will be activity on the site of the Dalrymple School. EBCDC has started to remove the oil tanks.

There will be a Legislative Breakfast January 28th at the Senior Center.

MMA Conference Friday and Saturday should be very informative.

Letter to Speaker DeLeo regarding Yirrell Beach and the impact of storms on the access road to Deer Island and property.

Making progress on the School Building Assistance Committee for the High School. Massachusetts School Building Authority is encouraging Winthrop to move forward. Need to study needs and options on how to finance without an override. This is an important issue that will affect children and homeowners in Winthrop. Urge Councilors to attend a meeting scheduled Thursday in the Superintendent's Office at 4:00.

Budget preparation is in progress. The Town Manager is concerned about the Town's fiscal condition. Medicaid reimbursements 50% reduced from last year. Health Insurance continues to be a challenge for the town along with pension, utilities and fuel. Councilors should make their comments heard. President Turco commented about funding the School budget for FY 2012 that it should be taken into consideration that the town will offer free full day kindergarten that will need to be factored into the budget.

Old Business

Petition for designation of Overlay District- from the Planning Board without recommendation (referred back to the Planning Board) remains on the table.

Report from the Planning Board/Planning Board members regarding failure to make a recommendation with respect to the Petition for designation of Overlay District.

After three attempts to get a response from the Planning Board it was voted at the last Town Council meeting to ask each individual Planning Board member to submit in writing their intent or to attend the next Town Council meeting. The only member in attendance at tonight's meeting is Mr. Joe Dow. The President thanked him for his attendance. The President stated that the Planning Board has satisfied its obligation to the Council by submitting a letter that was published in the Winthrop Transcript dated January 9, 2011 and part of the official record. President Turco asked if there was any objection to waive the reading of the letter. There was no objection. Mr. Dow, member of the Planning Board said, he cannot speak for the board, he is at the meeting out of respect for the Town Council but that he did not receive a letter or subpoena from the Council. He stated he was not in attendance when the Planning Board voted and that he favors the plan but feels the north elevation is a poor design and there is a density issue.

Councilor Powers read a prepared statement stating that he would like to send the matter back to the Planning Board for further deliberation providing them with legal counsel if necessary to help clarify areas of concern. The Planning Board has more expertise in zoning matters and that is why they are appointed and ultimately it is their obligation to make a recommendation to the Town Council.

Councilor Sanford, who represents precinct 5 where the property is located, agreed with Councilor Powers that it is the obligation of the Planning Board to come to a conclusion as expeditiously as possible for the public and the developer.

Councilor DelVento brought to the Council's attention that there is too much emphasis on the final product. The first phase is to establish a zoning map and decide if the area qualifies for SDOD. Councilor Calla added that, neighbors being involved in the number of units at the property is putting the cart before the horse.

President Turco reflected that the reason for the emphasis on the final product may be due to the fact that Attorney Lynds came before the Council back in the fall and made a presentation regarding the development during public comment.

Attorney Lynds, the attorney representing the developer, in attendance at tonight's meeting asked the Council President for permission to speak. Upon permission made two points. He came before the Council to request a zoning change to the property. It was referred to the Planning Board for their recommendation. The Planning Board asked what the developer planned to do on the site. He responded with 16 units but it was a preliminary number.

Attorney Lane, also in attendance providing counsel to the Town of Winthrop, stated the Town Council after receiving no recommendation after 21 days can act as they see fit and after 90 days must start process all over again.

A motion was made by Councilor Powers

2nd by Councilor Sanford

To send the matter back to the Planning Board with access to Attorneys to guide and clarify any ambiguities.

Attorney DiMento in attendance was given permission to speak by the President. Attorney DiMento referred to 48 section 5 that Councilor Powers motion is not needed. It can't be sent back to the Planning Board. The process would have to begin again with advertising and holding another public hearing. Councilor Powers thought it was important to handle the matter correctly and address it properly. Attorney Lane agreed the process would have to be started again. Possibly broken down into smaller parts with attorneys available to assist in the process.

President Turco asked what was the pleasure of the Council after hearing no objection the last motion was withdrawn. The President reiterated what brought the matter to this point. After the Planning Board failed to make a recommendation to the Town Council it was decided to subpoena the members to attend or send an individual statement in writing to the Council. This was the third request. It should be noted that 3 members appointments are expiring soon.

Motion by Councilor Boncore

2nd by Councilor Letterie

Discussion: Councilor Powers reiterated his point that the Planning Board is appointed because of their expertise in zoning matters. He does not feel comfortable making a decision. Matter should be sent for Planning Board to decide. Councilor Powers votes against the motion. Councilor Sanford thought that every opportunity should be given to have the Planning Board continue the process. Councilor Boncore added that too much time has passed. Have a hearing, do it once and the Council will decide. The permit process will be brought before the Planning Board and the Board of Appeals to decide. Attorney Lane thought it would be in the best interest of the neighborhood to have a

hearing with the pros and cons of the development. The Town Manager having experience in zoning matters added that the traffic in the neighborhood, shape of the lot and dimensional issues should be the focus. The Council President decided to proceed with the motion to set a public hearing for March 1, 2011. If the motion fails then they can entertain a motion to go to the Planning Board to make a recommendation with the assistance of legal counsel.

**Motion by Councilor Boncore to set up a public hearing for March 1, 2011 on the petition for designation of Overlay District
2nd by Councilor Letterie**

The President asked the Clerk to call the roll.

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|---------------------------|------------|
| Councilor Varone | NO |
| Councilor DelVento | YES |
| Councilor Powers | NO |
| Councilor Boncore | YES |
| Councilor Sanford | NO |
| Councilor Calla | YES |
| Councilor Maggio | YES |
| V.P. Letterie | YES |
| President Turco | NO |

Motion passes 5 YES votes 4 NO votes.

New Business

Appointments:

Appointment of Richard Honan to the Memorial Committee

**Motion by Councilor Boncore
2nd by Councilor Powers
Motion passed unanimously.**

The Council President gave a school update: 6:00PM tomorrow evening at the Cummings School there will be a meeting of the Superintendent Search Committee. Marc Rotondo will Chair the 3 member Finance Committee with members, Mr. Perrin and Ms.Osbourne.

**Councilor Sanford made a motion to award citations to the Chamber of Commerce awards recipients. Ceremony to be held at the Hyatt Regency Hotel on Friday
January 28, 2011.
2nd by Councilor Calla.
Motion passed unanimously.**

The Council President took this time to urge people to submit applications to open seats on the Board of Appeals, Planning Board, Board of Assessors, refer to the Town website for more information.

Councilor Boncore wanted the public aware and for residents to attend the Ordinance Review Committee Meeting January 19, 2011 Harvey Hearing Room at 6:00PM. For the purpose of inputting changes to the Town Charter. If not able to attend send comments through town website.

Councilor Powers made an announcement regarding the water and sewer meeting scheduled for February 1, 2011 in the Cummings Multi Purpose Room. If anyone has a question and cannot attend submit any questions in writing prior to the meeting.

Public Comment

Mr. Peter Gill spoke in favor of the Planning Board's decision to satisfy their obligation by providing no recommendation to the SDOD. He said Mr. Dimes is a qualified member of the Planning Board that was treated poorly by the Council. It will be hard to get members of the public to apply for positions on Boards and Committees.

President Turco again spoke of the process the Council went through to get a response from the Planning Board. After three times asking for their position on the matter. Mr. Dimes responded verbally to the Town Manager that they would not be providing any more explanation on the matter. He commended the Council for taking a stand and voting to subpoena members of the Planning Board to provide their individual statements as a last resort.

Motion by: Councilor DelVento

2nd by: Councilor Sanford to adjourn at 9:15PM.

Motion passed unanimously.