

TOWN COUNCIL MEETING MINUTES

AUGUST 2, 2011

Under the Rules and Procedures of the Winthrop Town Council, President Turco called the Town Council Special Meeting to order at 7:00 PM in the Joseph Harvey Hearing Room. Councilor Varone, Councilor DelVento, Councilor Letterie, President Turco, Councilor Boncore, Councilor Sanford, Councilor Calla and Councilor Maggio were present, Councilor Powers was absent. The Pledge of Allegiance was led by Councilor Boncore. President Turco announced that a quorum has been established.

MINUTES

July 19, 2011 – Not yet received from Town Clerk.

President Turco on behalf of the Town Clerk distributed to the Council for review a copy of two page certified vote with respect to changes to the Charter. The changes will be sent to the Attorney General if there are no changes from the Council.

PUBLIC COMMENT – None

CORRESPONDENCE – None

COMMITTEE REPORTS

Council Finance Committee – presented by Councilor Sanford as Chairman Powers on vacation. Discussion of the Manager's memo for DPW position. Two items relative to the School Department \$14,000 for bills outstanding, school decided to pay them. Also discussion on \$74,000 request that was originally \$147,000 and that was tabled until certification. No recommendations at this time.

Public Works Committee – Chairwoman Calla stated that a Posted DPW Meeting was cancelled and on its agenda was Winter Parking Survey. Councilor Calla requests that a Winter Parking Survey be sent out. DPW meeting to be rescheduled.

Screening Committee for Council Clerk Position presented by Councilor Sanford Committee's recommendation to bring forward two candidates Kathleen Hickey and Stacie Goldstein from the six applicants. The \$5,200 annual stipend pay scale remains the same.

No objection to take the appointment of council clerk out of order.

Unanimous vote for Kathleen Hickey duly elected Council Clerk.

President Turco stated Town Clerk has to finish minutes from past meetings.

RECEIVED
2011 OCT 24 P 3:48
TOWN CLERK
WINTHROP, MASS

Town Manager's Report

Town Manager James McKenna spoke on:

- Dave Hickey's Resignation – wished him all the best in his new endeavor.
- Appointment of Steve Calla as Interim DPW Director.
- Forming a Recruitment Committee to search for a qualified DPW Director.
- Town Manager will continue to working with Dave Hickey to complete some projects to keep ongoing projects moving forward.

Update on Winthrop Beach Project

- Mr. McKenna commended the citizen group for their report presentation with complete history of the beach and revitalization project.
- Mr. Joe Orphant, Planning Director of DCR informed Mr. McKenna of a notice of project change with MEPA and will, pending approval of MEPA/DEP, proceed with the revitalization project at Winthrop.
- Met with Mr. Orphant and Councilor Boncore to discuss a feasibility study of trucking in the sand via RT16, through Crest Avenue onto Shore Drive and the impact on citizens, businesses, safety, and parking options along Crest Avenue and also the coordination with Dalrymple construction.
- Dates tentative to permitting process to begin next spring.

Open discussion from the Council on the Winthrop Beach Project included bus routes, police details and the impact it will have on Crest Avenue businesses and the Town. Also, consideration to the Beachmont and Orient Heights Projects and the impact the Winthrop Beach Project will have on our roadways. Yirrell Beach Project to start in September after school begins.

- Final approval for construction of Ferry Terminal to commence in September.
- Letter from Mass School of Business to move forward with a feasibility study to combine Middle School and High School. School Building Committee has agreed to meet two times a month.
- Putting together a MOU (Memorandum of Understanding) on Consolidation of Town and School.

Questions to Town Manager from Councilor Letterie regarding bridgework.

Discussion and updates on Bridge Project.

Motion by Councilor Letterie to Request that a representative from Mass Highway come and meet with us at an upcoming council meeting.

2nd by Councilor Sanford

Councilor DeVento recused himself as an employee of DOT (Department of Transportation)

Motion Passes.

OLD BUSINESS

Supplemental Transfer from School \$147K – Tabled

Transient Vendor Ordinance

Motion by Councilor Boncore

2nd by President Turco

Motion Passes.

Petition for Designation of Overlay District – Temple (at Planning Board)

President Turco stated he should receive report by end of week, if so Public Notice/Legal Notice for next weeks newspaper.

Transient Vendor Ordinance – Legal Notice was put in newspaper.

Motion by Councilor Boncore to amend section 5.32.040 Licenses and permits by striking sections C, D, E.

Motion Passes.

Consolidation Implementation Plan – Tabled.

Proposed Ordinances from Rules and Ordinances Committee

Keeping of Animals 6.02 Requirement for Licenses

Motion by Vice President Letterie to summarize Motion

2nd by Councilor Sanford

Motion by President Turco regarding the Keeping of Animals 6.02 Requirement for Licenses

Motion Passes.

Sale of Tobacco Products

Councilor Varone motion to summarize Motion

2nd by Councilor Letterie

Motion by Councilor Letterie to Table Sale of Tobacco products

2nd by Councilor Sanford

Motions passes to table to next meeting.

Comment by Richard DiMento of Precinct 5 concerning flat fees and reserving cabs.

Comment by Peter Gill of Precinct 5 not in favor of fare increases, use of parking spaces and safety issues of aging taxis.

Motion by Councilor Boncore to Amend 5.28.130 Fares – Legal Notice was put in Newspaper

Motion to Increase Viking Taxi Fare Increase.

Motion Passes.

Note the following section(s) of the Town Council Meeting refers to an Ordinance Review Committee (ORC) Report – A final report will be made available on the Town Council Website.

Changes Part I: Non-Substantive Changes – Title 1 through Title 17

Motion by Councilor Boncore to vote on non-substantive changes as a block approximately 30 non-substantive changes were made to Ordinances regarding spelling, word changes, ect.

Motion Passes to vote on non-substantive changes as a block.

Public Comment: None

Changes Part II - Substantive Changes

Motion by Councilor Boncore to accept recommended changes to ORC Title 6: Section 6.04.090 Nuisance Dogs-Vicious Dogs-Potentially Vicious Dogs.

Motion Passes.

Summary of motion. A vicious dog cannot be breed specific. The Town Manager shall have authority to declare a dog vicious.

Motion by Councilor Boncore to accept recommended changes to ORC Title 6: Section: 6.04.100 – Fines

Motion Passes.

Motion by Councilor Boncore to accept recommended changes to ORC Title 6: Section: 6.04.140 Barking Dogs

Motion Passes.

Motion by Councilor Boncore to adopt a New Section to ORC Title 6 - Pit-bull Ordinance – Breed Specific; Section 1.00-Section 17.00.

Motion Passes.

Public Comment:

Parking Fines – Lower Handicapped Fines

Michael DiLuiso Parking Hearings Clerk spoke on the tiered fees for offenses and officers not knowing which tier to charge for multiple offenders. He also asked that the fines not be lowered.

Assistance Finance Director Michele Karas and Police Chief Delehanty recommend that fees stay \$250.00

Councilor Phil Boncore informed us that surrounding community's fees are \$300.00.

Rob Ferullo spoke on behalf of the Handicap Parking fees and raising fees.

Robert DiMento commented on Handicap Parking clarification on parking/obstruction.

Motion by Councilor Boncore to accept recommended changes to Title 10: Vehicles and Traffic; Section 10.32.010 Parking Violation Fines

Motion Passes.

Motion by Councilor Boncore to accept recommended changes to ORC Title 10: Section 10.48.071 for Special Consideration for Emergency Vehicles

Motion Passes.

Public Comment:

Richard DiMento stated he has commercial vehicle concerns.

Robert DiMento – Precinct 3 also has concerns regarding commercial parking.

Chief Delehanty stated special consideration is given to visiting nurses and company vehicles are not allowed if employee doesn't own vehicle.

Councilor Boncore Chairman of the Ordinance Review Committee stated that the Commercial Vehicle Sticker Ordinance is very specific.

A group discussion amongst Councilors Varone, Sanford, Maggio, Boncore, and Police Chief Delehanty defining commercial vehicles.

Motion by Councilor Boncore to accept new recommendation to ORC Title 10: Section 10.48.35 Commercial Vehicle Sticker

Roll Call: Councilor Maggio-No; Councilor Calla-No; Councilor Sanford-No; Councilor Boncore-Yes; Councilor Varone-Yes; Councilor DelVento-No; Councilor Letterie-No; President Turco-Yes.

Motion Failed; Aye 3, Nay 5.

Motion by Councilor Boncore to accept new recommendation to ORC Title 10: Section: 10.48.071 Special Consideration – Medical Personnel, Visiting Nurses or Family Caretaker

Motion Passes.

Motion by Councilor Boncore to accept new recommendation to ORC Title 10: Section: 10.48.72– Law Enforcement or Official State Vehicles Special

Motion Passes.

Councilors and public discussed excise taxes and sticker fees and the difference between the two.

Motion by Councilor Boncore regarding a new recommendation to ORC Title 10: Section 10.48.73 Company Vehicle Sticker Fees

Roll Call: Councilor Maggio-No; Councilor Calla-Yes; No; Councilor Sanford-No; Councilor Boncore-Yes; Councilor Varone-No;

Councilor DelVento-No; Councilor Letterie-No; President Turco-No.

Motion Failed; Aye 2, Nay 4

Council President Turco called for a 5-minute recess at 10:00pm.

Back in Session at 10:05

**Motion by Councilor Boncore to table the rest of the Ordinances until next meeting.
2nd Councilor Sanford.**

APPOINTMENTS

**Motion by Vice President Letterie to Appoint Fred Gutierrez to the Board of Appeals
2nd By Sanford
Motion Passes.**

**Motion by Vice President Letterie to appoint Tom Schlichting as Constable
2nd by Councilor Calla
Motion Passes.**

**Motion by Vice President Letterie to appoint as Register of Voters – Dennis J. Mahoney
2nd by Councilor Powers**

**Motion by Councilor Calla to appoint to the Planning Board – David Proctor and Genia DiMento
2nd by Vice President Letterie**

NEW BUSINESS

Committee Appointments – None at this time.

Councilor DelVento state he would like to have Updated Council Rules to reflect new Open Meeting Laws and to amend Council Rules. President Turco referred this to Rules and Ordinances Committee.

Motion by President Turco to Rescind Town council Approval of Consolidation pursuant to M.G.L. c.71, s.37M.

President Turco urged councilors to reject this motion.
Councilor DelVento stated too many outstanding questions.
Councilor Letterie request that we put off vote until next meeting.

President Turco calls a Special Meeting for Friday, August 5, 2011 at 5:00 to vote on motion to rescind consolidation.

Public Service Reminders from the Council

Public Service reminder by Councilor Maggio about elections in November you must pull papers by September 20, 2011.

Linda Calla stated that she has 2 Memorandums from TSAC and would like them put on Agenda for next meeting. President Turco referred them to Rules and Ordinances Committee.

Councilor Sanford reminded everyone of the Chambers' Annual Sunset Cruise on August 3, 2011.

Councilor Calla wished Dave Hickey well in his new job.

**Motion by Councilor Calla to present a Citation of Appreciation to Dave Hickey.
2nd by Councilor Boncore.**

A public announcement by President Turco that Saturday is Pirate Day at the Landing and also Viking Pride Fund Raising Concert.

PUBLIC COMMENT

Mr. Robert DiMento commented on Terrace Avenue Parking.

Mr. Richard DiMento would like the town to consider purchasing software that the City of Peabody uses for filing and tracking calls/complaints with the DPW.

Police Chief Delehanty will ask Dave Hickey to pass the software info to Steve Calla.

**Motion by Councilor DeVento to Adjourn.
2nd by Councilor Sanford**

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Final Report - Ordinance Review Committee ("ORC").

Non-confidential documents used at this meeting are available upon request.

A video of this meeting is available at WCAT upon request.

