

TOWN COUNCIL MEETING MINUTES

November 15, 2011

RECEIVED

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

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

Minutes for November 1, 2011

Councilor Boncore motion to approve minutes of November 1, 2011

2nd by Councilor Maggio

Motion passes

Fall Forum of October 18, 2011 – Completed but not distributed

Council President Turco congratulated Council President Elect Gill

PUBLIC COMMENT - None

CORRESPONDENCE - None

President Turco stated he received an email that he will read later in meeting.

COMMITTEE REPORTS

Chairman of the Council Finance Committee Powers stated they are having meeting next week.

Chairman Boncore of the Rules and Ordinance stated they are having a meeting on November 16, 2011 at the EB Newton to discuss traffic patterns and will consult with TSAC about the meeting their meeting on the same day.

TOWN MANAGERS REPORT

MAPC Presentation

There was a slide presentation from David Lazenheiser of MAPC.

There was a discussion that followed the MAPC presentation amongst the councilors and the representatives from MAPC regarding signage, routes and the existing roads. The Town Manager James McKenna stated that the trail system in town is a recreation resource and helps with economic development and the City of Boston is looking at us

with more confidence to include the Town in their plans and there are grant programs for funding once we are involved in this project. Mr. McKenna also thanked Peter Lombardi the Town's Grant Administrator and MAPC for their commitment to the project.

DCR update on Short Beach Project Concerns

Two representatives from DCR engineering group Bob DiRamio and Rachael Burkhart gave a general overview of the Short Beach Project and the many concerns that have come up over the past several weeks concerning the design, pedestrian walk light, sidewalks, curb-cut, lighting, and national grid problems. It was determined that the crosswalk area meets federal and state standards for width and that DCR increased the width, they are trying to move the curb back, that speed should be restricted with signage and a pedestrian walk light does not meet the warrant criteria. President Turco and Ms. Burkhart had a conversation on what criteria meets a warrant and how a public official can go against a warrant and request from DCR a pedestrian walk light. President Turco requested DCR provide us with the studies that were done on the crossing at the location on the Winthrop side as well as the crossing on Endicott. President Turco requested the information be given to the Town Manager on the date the foot traffic was brought to the engineer. There was a lengthy discussion about traffic, speed, parking spaces and the crosswalks. Councilor Maggio praised DCR for addressing the wall area on the beach side and stated in time evidence will be available to put in a pedestrian light.

Public Comment

Guy Brandenstein of Precinct 2 commented on the road being too narrow even at a slow speed of 20 mph and if that is our evacuation route. Joseph Ferrino of Precinct 6 stated it looks like a tight curve. Tom McNiff of Precinct 3 wanted to know why DCR was spending so much money on a beach that isn't used much. Mr. Mael Council Elect for Precinct 4 believes we need time to get used to the new setup.

Town Manager James McKenna spoke on:

- Winter Parking – Pleased to report the Superintendent of schools said there are 22 spaces available at the school.
- Consider the November 15, 2011 letter to Rules and Ordinances.
- Community Health Forum on November 30, 2011 to express interest in “Health Needs Assessment Plan” at the EB Newton School.
- Received appraisal for the Access Road and was electronically sent to the Council.
- Transfer request for the Playground Resurfacing.

Councilor Letterie wanted to know why the request came now not in the spring and Mr. McKenna stated we need to address ADA compliance. Councilor DelVento rose to a point of order stating it does not follow council rules.

Councilor Varone made a motion to suspend rules

2nd by Calla

Motion Passes

- Facilities Manager Recruitment Committee has selected and appointed Mr. Boyle who will start on December 5, 2011, his salary will be graded and evaluated according to set guidelines and we are trying to identify staff for him.

OLD BUSINESS

Supplemental Transfer from School – \$147k – Tabled – *School Committee meeting Thursday*

Councilor DelVento had a question about the closing of the books. Chief Financial Officer Bertino stated that the Department of Revenue is coming in on Thursday and it will take approximately 1-3 weeks to finish.

Harbor Management Committee Re naming of Ferry Terminal – *..Tabled until December 6, 2011 meeting.*

Fort Banks Access Road Issues – Appraisal received

Councilor Letterie questioned if we heard back from the Conservation Commission and DPW Director Calla stated they will make a decision on the order of conditions by their November 22, 2011 meeting.

Motion by President Turco to table Fort Banks Access Road Issues until December 6, 2011

2nd by Councilor Powers

Motion Passes

There was no objection to taking Financial Transfers Requests out of order.

Financial Transfers Requests

Enterprise Accounts – Tabled until next Finance Committee Meeting.

235 Court Road – A survey is being done and it is on the Agenda for the next Finance Committee meeting.

Ratification of WCAT - Funding Allocation. Submitted by the Town Manager for PEG Funding

Motion by Councilor Powers to adopt PEG Funding

2nd by Letterie

Motion Passes

Vacant Building Ordinance

Motion by Councilor Maggio to waive reading of Vacant Building Ordinance for a brief summary

2nd by Varone

Councilor Boncore read a brief summary of the Vacant Building Ordinance.

In favor of Ordinance

Building Commissioner James Soper, stated that this will be very helpful to the Fire Department and Police Department. Councilor DelVento and Councilor Letterie also spoke in support of this ordinance. Ritchie Vataloro of Bob's Bait Shop also spoke in favor.

Against – None

**Councilor Boncore Chairman of Rules and Ordinances made a motion to accept 8.17 An Ordinance Regulating the Maintenance of Vacant and/or Foreclosing Properties
Motion Passes**

Rules and Ordinance set and made two new motions

**Councilor Boncore Chairman of Rules and Ordinances made a motion to accept Sex Offender Ordinance – 9.09 Residency of Sex Offender
Motion Passes**

**Motion by Councilor Maggio to waive reading of 9.10 Child Sex offender in a Child Safe Zone for a brief summary
2nd by Councilor Powers**

Councilor Boncore gave a brief description of all sections.

**Councilor Boncore Chairman of Rules and Ordinances made a motion to accept 9.10 Child Sex offender in a Child Safe Zone
Motion Passes**

**Motion by Councilor Boncore to publish what comes out of Rules and Ordinances for a December 6, 2011 hearing which has been referred to TSAC and Rules and Ordinances on Amending Sections 10.12.120 and 10.12.110 of Winthrop Municipal Code Regarding left turns.
2nd by Powers
Motion Passes**

NEW BUSINESS

Town Manager requests the Town Council to Modify section 10.16.100 "Parking limited at certain streets during certain times" - Referred to Rules and Ordinances

The Town Manager requested the Town Council authorize to enter into a five-year lease/purchase agreement to purchase a backhoe. There was a discussion as to whether a vote could be taken tonight to enter into a five year lease/purchase agreement and it was decided that the vote could be taken because it had already gone through the Finance Committee and had been appropriated

Councilor Powers made a motion to authorize to enter into a five-year lease/purchase agreement to purchase a backhoe

2nd Varone

Motions Passes Unanimously

There was a lengthy discussion regarding the Town Clerk Performance Review. There was discussion on forming a committee with three members including the Town Manager and on how to evaluate and what criteria should be used to evaluate the Town Clerk. It was determined that this would be tabled until special meeting on November 21, 2011

It was agreed to take the appointments out of order.

APPOINTMENTS

President Turco read an email from Gus Martucci regarding holding off on appointments until the new council comes in January.

Councilor Letterie requested that we vote on each appointment individually.

Councilor DelVento exercised his right to put votes off until next meeting.

Pursuant to Section 2-10(a) of the Winthrop Town Charter, Council President Turco appointed the following:

- Citizen's Finance Advisory Committee
Robert Wynne
Barbara Flavin
Mark Rotondo

Motion by Councilor Boncore

2nd By Councilor Powers

Tabled until Special Council Meeting of November 21, 2011

Pursuant to Section 2-10(b) of the Winthrop Town Charter, Council President Turco appointed the following:

- Board of Assessors
Scott Kinsella

Motion by Councilor Boncore

2nd By Councilor Calla

Tabled until Special Council Meeting of November 21, 2011

Pursuant to Section 2-10(a) of the Winthrop Town Charter, Council President Turco appointed the following:

- License Commission
Paolo Franzese, Esq.

Motion by Councilor Boncore

2nd By Councilor Powers

Tabled until Special Council Meeting of November 21, 2011

Motion by Councilor Maggio to go into Executive Session regarding Town Manager's Contract Extension
2nd by Councilor Calla

Executive Session commenced at 9:33 and ended approximately at 9:50.

Motion by Councilor Letterie to end Executive Session
2nd by Councilor Maggio

During the Public Session of the Town Manager's Contract Extension it was discussed that there would be an insertion into his contract 1A for 6 months notice, salary to be \$127,500, Section 11 – resignation changed from 30 days to 90 days, 3 year contract to be in effect from June 29, 2012 to June 30, 2015, sick leave is a use it or loose it and 3 personal days. It was also discussed that the Town Manager had positive feedback on his evaluation and the Town would benefit by extending his contract.

Motion by President Turco to accept Town Managers Contract through 2015
2nd by Boncore
Councilor DelVento exercised his right to hold off on the vote until next meeting.

PUBLIC COMMENT

Guy Brandenstein had questions regarding that all meetings follow state Open Meeting Laws, President Turco stated they are required by law to follow Open Meeting Laws. Mr. Brandenstein also expressed confusion over the request that the Committee Appointments be held off, Councilor DelVento stated to Mr. Brandenstein that he had calls on the various appointments and some residents wanted to be voice their opinions on the appointments.

President Turco called a Special Meeting for Monday, November 21, 2011 at 7:00pm in the Harvey Hearing Room for limited purposes listed below

Evaluation – Town Clerk Performance Review
Committee Appointments
Managers Contract Extension

Councilor DelVento wanted to know the schedule for the rest of the year and President Turco stated the regular meetings are schedule for December 6 and December 20, 2011, with exception to special meetings being called as needed.

Councilor Calla and the Town Manager had a conversation regarding the Dalrymple School and Defelice Contractors staging materials there for Nahant Avenue work.

Councilor Letterie had a discussion again requesting a mirror being put in at the bridge worksite.

Councilor Maggio reminded everyone of the tree lighting ceremony and Chief Flanagan announced the new Fire Truck will also be at the Tree Lighting Ceremonies.

President Turco urged the Town Manager to consider publishing Tax Taking in the newspaper stating the public should be aware of what is outstanding.

ADJOURNMENT

**Motion by Councilor Powers to Adjourn
2nd by Councilor Maggio**

Town Council Meeting Adjourned at 10:10

A CD of this meeting is available from WCAT.

Public Documents used in this meeting are available in the Town Manager's Office.

Respectfully submitted,
Town Council Clerk
Kathleen S. Hickey