Watertown Town Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President

Michael F. Dattoli,
Councilor At Large

Aaron P. Dushku,
Councilor At Large

Susan G. Falkoff,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Kenneth M. Woodland,
District D Councilor

TOWN COUNCIL MEETING
TUESDAY, MARCH 28, 2017 AT 7:15 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
MINUTES

1. ROLL CALL
   Council President Sideris called to order a regular meeting of the Town Council at 7:15 p.m. in the Richard E. Mastrangelo Chamber, Administration Building. Those present were Councilors Michael F. Dattoli, Aaron P. Dushku, Susan G. Falkoff, Lisa J. Feltner, Angeline B. Kounelis, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., Kenneth M. Woodland, and Council President Mark S. Sideris. Also present were Michael J. Driscoll, Town Manager, Mark Reich, Town Attorney, and Marilyn W. Pronovost, Town Council Clerk.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM
   Bert Greenberg – Spoke regarding the methods of the Council and how it affects Watertown

   John Labadini – 499 Main St. – Raised concerns about the marijuana dispensary and raised a concern that this may lead to the sale of recreational marijuana.

   Peter Centola – Watertown is too small for a dispensary. He raised a concern about the future sale of recreational marijuana and its effect on the community.

4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
   Minutes of the March 16, 2017 Town Council Meeting

   Councilor Piccirilli moved to accept the minutes of March 16, 2017 as written; Councilor Dattoli seconded the motion. The motion was adopted unanimously on a voice vote.

5. PRESIDENT'S REPORT

Update on Consideration of Disposition of Town Real Property – Former East Branch Library

President Sideris provided a status report on the potential sale of the former East Branch Library to St. James Armenian Church. Final approval of the sale requires a Town Council vote; action on this matter will occur at the April 11, 2017 Town Council meeting. Prior to any action being taken, there will be a public hearing so that the community may comment.

President Sideris publicly expressed his condolences to the wife, family, and firefighter family of Firefighter Toscano; he also thanked those who assisted in providing a final farewell to Mr. Toscano.

Mr. Driscoll offered his condolences and thanked all employees who supported and assisted the community during this time. He also thanked those in the surrounding communities and those in the Commonwealth that helped.

8. MOTIONS, ORDINANCES, ORDERS, AND RESOLUTIONS
Councilor Piccirilli made a motion to move up item 8B in the agenda; Councilor Dattoli seconded the motion. The motion was adopted unanimously on a voice vote.

B. Consideration and Approval of Submitting the Core Program Statement of Interest to the Massachusetts School Building Authority

Mr. Driscoll provided background on the purpose of the Core Program Statement of Interest (SOI). John Portz, Chairman of the School Committee, thanked the Town Council for the opportunity to present the Statement of Interest to the Council. Dr. John Brackett, Interim Superintendent of Schools, stated that he felt the SOI met the criteria of the Core Program by addressing

- ~ The elimination of severe overcrowding in the building that limits students from participating in some programs
- ~ The possible loss of accreditation. The NEASC has stated that there are severe issues with the High School building that could cause the school to be placed on warning or even lose accreditation.
- ~ Infrastructure and systems of the school that are at the end of their life and need to be addressed immediately.

Councilor Piccirilli moved that
Resolved: Having convened in an open meeting on Tuesday March 28, 2017, prior to the closing date, the Town Council of Watertown, in accordance with its charter and ordinances, has voted to authorize the Town Manager to sign and the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest form dated March 22, 2017, for the Watertown High School located at 50

Columbia Street, Watertown, MA 20172, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority #2: Elimination of Existing Severe Overcrowding

Priority #3: Prevention of the Loss of Accreditation

Priority #4: Prevention of Severe Overcrowding Expected to Result from Increased Enrollments

Priority #5: Replacement, Renovation, or Modernization of School Facility Systems, Such as Roofs, Windows, Boilers, Heating, and Ventilation Systems, to Increases Energy Conservation and Decrease Energy Related Costs in a School Facility

Priority #7: Replacement of or Addition to Obsolete Buildings in Order to Provide for a Full Range of Programs Consistent with State and Approved Local Requirements

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Watertown Public School District to filing an application for funding with the Massachusetts School Building Authority.

Councilor Dattoli seconded the motion. The motion was adopted unanimously on a voice vote.

6. UNFINISHED BUSINESS FROM PRIOR MEETINGS
   Confirmation of Reappointment of Eileen Hsu-Balzer to the Cable Access Corporation Board of Directors

   Councilor Piccirilli moved to confirm the reappointment of Eileen Hsu-Balzer to the Cable Access Corporation Board of Directors; Councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote.

7. PUBLIC HEARINGS
   A. Public Hearing and Vote on a Proposed Ordinance to Modify Hours of Operation of the Administration Building

      Mr. Driscoll provided some background on this matter. President Sideris opened the public hearing. There being no speakers; the public hearing was

closed. Councilor Piccirilli moved to temporarily modify the hours of operation of the Administration Building; Councilor Woodland seconded the motion. The motion was adopted unanimously on a voice vote.

B. Public Hearing and Vote on a Request for a Letter of Support or Non-Opposition for a Registered Marijuana Dispensary Proposed for 23 Elm Street - NS AJO Holdings, Inc.
Natural Selections Watertown Presentation
NS AJO Holdings Inc. - Watertown Filing
Northglenn Shopping Center Letters of Support - Natural Selections Colorado

Mr. Magoon provided some background on this matter. Attorney Michael Ross of Prince Lobel, who represents the petitioner NS AJO Holdings, spoke of the planning steps for creating the dispensary. Aiden J. O'Donovan, Chief Operating Officer of NS AJO, spoke of his experience with the medical dispensary business and his plans for the business in Watertown.

President Sideris opened the public hearing.

Bob Airasian – 14 Merrill Road – Spoke against issuing the letter and raised concern about the future sale of recreational marijuana

Peter Bleiberg – 125 Coolidge Avenue – Spoke of his personal need for medical marijuana and favored a dispensary that is close by.

Sally Bleiberg – Spoke of her husband's need for marijuana and why it should be permitted in Watertown. She noted that alcohol is considered the gateway drug to further addiction rather than marijuana.

Peter Airasian – 27 Elton Avenue – Co-Founder of Watertown Overcoming Addiction – While he sees the purpose of medical marijuana, he feels that the dispensary will provide an opening for selling marijuana recreationally in Watertown.

Jeff Bail – Stated that he knew people who need medical marijuana. If communities reject the dispensaries, it effectively circumvents the will of the people.

John Airasian – 43 Bailey Road – Spoke of his concern of recreational marijuana being sold in Watertown. He felt the community needs to obtain a commitment from the prospective owner to not sell recreational marijuana.

Jeff Morris – 2 Melendy Avenue – Chairman and CEO of state-wide marijuana reform organization – MassCann – He stated that to obtain medical marijuana, there is an ID process in place. He also mentioned that

medical marijuana is being used as an alternative for those addicted to opioids. Further, 69% of Watertown voted in favor of medical marijuana in 2012.

Nichole Snow – 190 Bridge Street, Salem, MA – Executive Director of the Massachusetts Patient Advocacy Alliance – Stated that currently more than 39,000 people in MA are certified to use marijuana. Safe access allows for state tested marijuana. Those addicted to opiates need medical marijuana as street marijuana is often laced with opiates causing relapses.

Russ Arico – 14 Fayette Street – Spoke against allowing a medical marijuana facility in Watertown. He felt if the dispensary is allowed, then the hours of operation should be restricted to daylight hours to ensure safety.

Janet Buck – Boylston Street – She spoke in favor of the dispensary stating that people do not need to be afraid of others with serious illnesses. As an alternative to opiates, this is a positive use for the community to reduce addiction.

Peter Skudlarek – 129 School Street – He spoke against the dispensary. He mentioned that there are 15 approved dispensaries and 203 being evaluated. He felt this is an unproven treatment. Also if dispensaries can deliver, there is no need for an additional one in Watertown.

Doug Blanchard – Stated that medical marijuana is a young industry and that the risk outweighs the potential reward due to the many unknown variables.

Anna Heller – 28 Lovell Road – Licensed Clinical Social Worker – She spoke on behalf of those who have used medical marijuana. The benefit is that it is designed for the patient's needs.

Debbie Dugan – 125 Hall Avenue – She encouraged the Council to vote against the dispensary as it may be a way to insert recreational marijuana in the sales. Watertown needs to take its time before allowing a dispensary.

Gale Boyd – 81 Arlington Street – She spoke against the dispensary. With an expected 250 visits/day, this creates a high traffic problem in the area.

John Airasian – He felt that the dispensary would be one more factor affecting transportation with the many other changes occurring in Watertown.

Russ Arico – Asked petitioner about pick up and delivery of the prescription. President Sideris ruled Mr. Arico out of order because he pursued a matter that has already been addressed.

Peter Airasian – He raised the question of increased transportation. He stated that he wants to stop recreational marijuana in Watertown.

Deborah Rosati – speaking for some members of the Watertown Youth Center, as Director of Public Health, and as a member of the Watertown Task Force on Substance Abuse Disorder – She raised the concern that permitting the dispensary could lead to recreational sales. She provided data from studies regarding the use of marijuana including:

- In Colorado, 13.6% of purchases is from daily users
- UMass Amherst study showed 44% of college men drive after smoking v. 12% after drinking
- The cost of substance abuse in the U.S. is $600 billion/year of which $181 billion is used for illicit drug services
- In Denver, marijuana related citations rose from 8 in 2012 to 770 in 2014
- The rate of marijuana use for youth is 7.22%, but Colorado's is 12.56%

Peter Skudlarek – 129 School St. – Boston and Cambridge can deliver; therefore, he felt accessibility was sufficient and should not be in the East End of Watertown.

John Labadini – Reiterated his concerns about the need for a dispensary in Watertown

Nichole Snow – Stated that the Boston dispensary only delivers to certain area codes and Cambridge, which recently opened, does not yet have a delivery system

Bob Airaisian – Stated his concern that the possibility of recreational drugs will reduce the effectiveness of the drug awareness programs.

Stephanie Venizelos – Stated that she wanted the Council to consider what is best for the community long-term

There being no other speakers, President Sideris closed the public hearing and opened up the discussion for the Councilors. The petitioner and Mr. Magoon responded to questions:

- Medical marijuana is not covered by health insurance
- There is no limit to the THC in medical marijuana
- Medical marijuana will continue to be regulated by the Department of Public Health
- About a dozen groups have been trying to open dispensaries in Watertown for a few years; the major hindrance is finding a suitable site
- When the statute was enacted in 2012, there was a limit of 35 dispensaries but that cap has been removed
- Currently there are only 10 dispensaries open and operating

Councilors made statements regarding their stand for or against the question.

Councilor Piccirilli moved to ask the Administration to work with the Petitioner to modify the Host Community Agreement in Paragraph 8 – Non-Medical Marijuana by deleting the phrase "without first obtaining prior written approval or authorization from the Town" and by replacing it with other more appropriate language to cover the scenario where the state may make regulatory changes to merge medical and recreational operations at some point in the future; Councilor Palomba seconded the motion. The passed 5 - 4 on a roll call vote. Councilors Feltner, Palomba, Piccirilli, Woodland, and President Sideris voted in the affirmative; Councilors Dattoli, Dushku, Falkoff, and Kounelis voted in the negative.

Councilor Piccirilli made a motion to ask the Administration to work with the Petitioner to modify the Host Community Agreement to add a paragraph stating that delivery of the product will not be allowed; Councilor Woodland seconded the motion. The motion passed unanimously on a voice vote.

Councilor Piccirilli made a motion to authorize the Town Manager to issue a letter of non-opposition to a registered marijuana dispensary proposed for 23 Elm Street to be operated by NS AJO Holdings Inc.; Councilor Palomba seconded the motion.

Councilor Woodland raised the point as to whether the motion should state as amended. Attorney Reich stated that the letter cannot provide contingencies but that the Town could delay the issuance of the letter until the Host Community Agreement is executed.

Councilor Falkoff suggested a friendly amendment of stating that the letter would not be issued until the agreement is executed. Councilor Piccirilli moved to withdraw the motion; Councilor Palomba withdrew his seconding of the motion.

Councilor Piccirilli restated the motion to authorize the Town Manager to issue a letter of non-opposition, but not issue a letter until the revised Host Community Agreement is executed to a registered marijuana dispensary proposed for 23 Elm Street to be operated by NS AJO Holdings Inc.; Councilor Palomba seconded the motion.

After some discussion, Councilor Falkoff called the question. The question was called after a unanimous roll call vote that the question be moved.

The question passed on a roll call vote of 6 – 3. Those voting in the affirmative were Councilors Dushku, Falkoff, Palomba, Piccirilli, Woodland, and President Sideris; those voting in the negative were Councilors Dattoli, Feltner, and Kounelis.

President Sideris broke for five minutes so that the Council could resume after 10:30 p.m. according to the Council Rules.

President Sideris called the meeting to order after the recess and proceeded with the remainder of the agenda. Councilor Kounelis requested a point of order as to the motion to continue.

Councilor Woodland moved per Council Rules 2.5 that it be amended to permit the Council to take up other items past 10:30 p.m.; Councilor Palomba seconded the motion. The motion was adopted by all, on a voice vote except for Councilor Falkoff, who voted in the negative.

8. MOTIONS, ORDINANCES, ORDERS, AND RESOLUTIONS

A. First Reading and Referral to the Planning Board for Public Hearing a Request to Amend the Zoning Ordinance to Allow Assisted Living Facilities in the I-3 Zone by Special Permit with Site Plan Review

Mr. Magoon provided some background on this matter. President Sideris stated that this would be referred to the Planning Board for their review, after which there would be another public hearing. Councilor Woodland moved to refer the matter to the Planning Board; Councilor Dattoli seconded the motion. The motion carried unanimously on a voice vote.

B. Consideration and Approval of Submitting the Core Program Statement of Interest to the Massachusetts School Building Authority

See previous notes on this item.

C. Resolution Authorizing a Transfer to Fund Salary Adjustments for Three Non-Union Confidential Employees Covering the Period of July 1, 2016 – June 30, 2017

Mr. Driscoll provided background on this matter and requested the Council's favorable consideration for the transfer of $3,949. Councilor Dushku moved to transfer the $3,949; Councilor Feltner seconded the motion. The motion was adopted unanimously on a roll call vote.

D. Resolution Authorizing A Transfer Of $614,200 From the Fiscal Year 2017 Debt Retirement – Interest on Short Term Debt Account To The Fiscal Year 2017 Transfer To Town Capital Projects Account In Order to Move Forward with Various Departmental Capital Equipment Items/Projects

Mr. Driscoll provided background on this matter and requested the Council's favorable consideration for the transfer of $614,200. Councilor Piccirilli

moved to transfer the $614,200; Councilor Woodland seconded the motion. The motion was adopted unanimously on a roll call vote.

E. Resolution Authorizing A Transfer Of $89,250 From the Fiscal Year 2017 Debt Retirement – Interest on Short Term Debt Account To The Fiscal Year 2017 On Call Architect Design Services Account in order to Fund Proposed On Call Architect Design Services for the Town Hall Generator and North Fire Station Repairs

Mr. Driscoll provided background on this matter and requested the Council's favorable consideration for the transfer of $89,250. Councilor Piccirilli moved to transfer the $89,250; Councilor Palomba seconded the motion. The motion was adopted unanimously on a roll call.

9. REPORTS OF COMMITTEES
Committee on Rules and Ordinances Report on BYOB Licensing Fees – Kenneth M. Woodland – Chair
ACTION ITEM: That the Full Town Council Amend Chapter 116 of the Watertown Code of Ordinances, Section 116.03, Part 9 to Read $300 in Place of $1000 and That a First Reading be Scheduled for Said Change

Councilor Feltner raised a point of order that the reference in the report to CPA Ordinance should be the Community Preservation Act Committee Ordinance. Councilor Woodland read the Committee Report. Councilor Woodland moved to accept the report; Councilor Dushku seconded the motion. The motion was adopted unanimously on a voice vote.

Councilor Piccirilli moved that the full Town Council amend Chapter 116 of the Watertown Code of Ordinances, Section 116.03, Part 9 to read $300 in place of $1000 and that a First Reading be scheduled for said change; Councilor Dushku seconded the motion. The motion was adopted unanimously on a voice vote.

10. NEW BUSINESS
There were no New Business items.

11. COMMUNICATIONS FROM THE TOWN MANAGER
The Town Manager informed the Town Council that there will be a discussion of a transfer for the snow and ice deficit at the next Town Council meeting on April 11, 2017.

12. REQUESTS FOR INFORMATION /REVIEW OF LIST OF PENDING MATTERS
Councilor Feltner requested a status of Town's compliance with the Public Records – who has been designated as the Records Access Office and their contact information.

Councilor Palomba requested a sense of the number of conceptual recommendations for CIP will be brought forward and if this can be brought forward sooner.

Councilor Falkoff thanked the Administration and Mr. Tracy for their responses to her recent requests.

13. ANNOUNCEMENTS

Councilor Dattoli announced that a fund has been created for the Toscano Family by the Watertown Firefighters Relief Association Toscano Fund, 99 Main Street, Watertown, MA 02472.

He also announced that the Friends of Watertown Music were sponsoring a music fest at the Watertown Middle School on Friday, March 31, 2017 beginning at 5:30 p.m.

He raised a concern of the Ink and Drink event at the Mosesian Arts Center.

Councilor Palomba announced that the Watertown Family Network is conducting a Spring Egg Hunt at the Brigham House on 341 Mount Auburn Street at 9:30 a.m., Friday, April 7, 2017.

He also announced that the Network will sponsor Breakfast with the Bunny with the Watertown Mall/Papa Gino's on April 11, 2017.

Councilor Feltner announced that at 10:00 a.m. on Friday, March 31, 2017, she would be conducting open office hours at the Watertown Mall near the Carter's entrance. She also stated that on Wednesday, April 5, 2017, MassDOT would be discussing Safe Routes to School at the Hosmer School Cafeteria.

Councilor Dushku announced that on Wednesday, March 29, 2017 at 6:30 p.m., the Transportation Committee would be hosting a guest from the MBTA to discuss issues relevant to Watertown. He also mentioned that the Parking Ban would be over on Saturday, April 1, 2017.

14. PUBLIC FORUM

There were no speakers for the forum.

15. RECESS OR ADJOURNMENT

President requested a moment of silence for Firefighter Joseph Toscano. Councilor Palomba moved to adjourn the meeting; councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote. The meeting adjourned at 10:59.

ADDENDUM

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by a vote of __9__ for, __0__ against, __0__ present on April 11, 2017.

_____
Mark S. Sideris, Council President
s:/MWP

TOWN COUNCIL MEETING
TUESDAY, MARCH 28, 2017 AT 7:15 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
LIST OF DOCUMENTS

1. Minutes of the March 16, 2017 Town Council Meeting - Item 4

2. Proposed Ordinance to Modify Administration Building Hours, March 7, 2017, Michael J. Driscoll, Town Manager, to Town Council - Item 7A

3. Town of Watertown and NS AJO Holdings, Inc., Host Community Agreement for the Siting of a Registered Marijuana Dispensary in the Town of Watertown (Draft) – Item 7B

4. NS AJO Holdings, Inc., City of Watertown Request for Letter of Non-Opposition, January 31, 2017 – Item 7B

5. City of Watertown Proposal Medical Marijuana Treatment Center, Prepared by NS AJO Holdings, Inc., Submitted December 5, 2016 – Item 7B

6. Northglenn Shopping Center Letters of Support - Natural Selections Colorado – Item 7B

7. Northglenn Tax Department Letter of Good Standing - Natural Selections Colorado – Ken Martinez, Sales Tax Manager, March 15, 2017 – Item 7B

8. Letter from Abhimanyu Bhakta, Article V, Tables of District Regulations, Map of I-3 Zone – Item 8A

9. Agenda Item – Consideration and Approval of Submitting the Core Program Statement of Interest to the Massachusetts School Building Authority, March 23, 2017, Michael Driscoll, Town Manager to Town Council – Item 8B
   A. Excerpt from Fiscal Year 2018-2022 Proposed CIP, January 24, 2017, pages 9-10
   B. Letter from Massachusetts School Building Authority to Michael Driscoll, Town Manager, December 22, 2016 re: Town of Watertown 2016 SOI Status from John K. Mc McCarthy, Executive Director
   C. Required Form of Vote to Submit a Statement of Interest from John Brackett, Interim Superintendent, to Town Council, March 23, 2017

10. Agenda Item – Transfer of Funds Request regarding Non Union Confidential Employees as it relates to the Watertown Firefighters IAFF Local 1347 Agreement for the period of FY 2016 – 2018 – March 23, 2017, Michael Driscoll, town Manager to Town Council – Item 8C

11. Agenda Item – Transfer of Funds Request regarding a Proposed Loan Order for $783,000 to Purchase Items under the CIP Program – March 23, 2017 – Michael Driscoll, Town Manager to Town Council – Item 8D
    A. DPW Request
    B. Police Equipment FY2016 Proposed Loan Orders - $104,200, Michael Lawn, Chief of Police to Michael Driscoll, Town Manager, January 30, 2017
    C. Letter from Daniel Brothers, Skating Rink Director to Michael Driscoll, Town Manager, March 23, 2017 regarding Emergency Lighting and Exit Doors
    D. Memo from Leone E. Cole, Library Director to Michael Driscoll, Town Manager regarding Interactive Technology, March 23, 2017

12. Agenda Item – Transfer of Funds Request regarding On Call Architect Design Services – March 23, 2017, Michael Driscoll, Town Manager, to Town Council – Item 8E
    A. Memo from Thomas Tracy, Town Auditor/Assistant Town Manager for Finance, to Michael Driscoll, Town Manager, March 23, 2017 regarding Transfer of Funds
    B. Letter to Raeleen Bandini, Director of Purchasing, from Dale Gienapp, Gienapp Design Associates, LLC, February 22, 2017 regarding Architectural and Engineering Services Town Hall Proposed Generator

13. Committee on Rules and Ordinances Meeting regarding the CPA Ordinance and a review of BYOB Ordinance Licensing Fees – March 20, 2017 – Item 9