



Watertown City 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 &
District C Councilor

John M. Airasian
Councilor At Large

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

CITY COUNCIL MEETING TUESDAY, MARCH 22, 2022 AT 7:00 PM RICHARD E. MASTRANGELO COUNCIL CHAMBER

MINUTES

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television):
<http://vodwcatv.org/CablecastPublicSite/?channel=3>
- B. The Public may join the virtual meeting online:
<https://watertown-ma.zoom.us/j/92991331344>
- C. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: (877) 853-5257 or (888) 475-4499 (TollFree) and enter Webinar ID: 929 9133 1344 #
- D. Public may comment through email: vpiccirilli@watertown-ma.gov

1. ROLL CALL

Council President Sideris called to order a regular meeting of the Town Council at 7:00 p.m. in the Richard E. Mastrangelo Chamber, Administration Building. Those present were Councilors John M. Airasian, Caroline Bays, Nicole Gardner, Lisa J. Feltner, Emily Izzo, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., and Council President Mark S. Sideris. Councilor John G. Gannon arrived at 7:03 p.m. Also present were Thomas Tracy, Acting Town Manager, Mark Reich, Town Attorney, and Marilyn W. Pronovost, Council Clerk.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM

James Mello – Warren Street – Stated there have been too many where the vehicles have jumped the curbs and crashed into businesses fronts. Fortunately, no employees, customers, or pedestrians have been injured. He felt concrete

planters, similar to those at North Beacon and Arsenal Street would help prevent such damage and the planter could help beautify the Square.

4. PRESIDENT'S REPORT

- A. Request the Administration to Draft Language for Council Consideration a Home Rule Petition Requesting that the City of Watertown Be Allowed to Go Back to the 175% Shift on the Tax Rate for Commercial Properties

Councilors Izzo and Airasian requested that the Administration draft language for a Home Rule Petition that would be approved by the City Council to allow the City to retain the 175% tax shift. Councilor Piccirilli moved to request the Administration to draft language for Council Consideration a Home Rule Petition requesting that the City of Watertown be allowed to go back to the 175% shift on the tax rate for commercial properties; Councilor Gannon seconded the motion. The motion was adopted unanimously on a voice vote.

- B. Consideration of Extending the Fiscal Year 2023 Budget Submission Date from April 12, 2022 to April 26, 2022

Councilor Piccirilli moved to extend the Fiscal Year 2023 budget submission date from April 12, 2022 to April 26, 2022; Councilor Gardner seconded the motion. The motion was adopted unanimously on a voice vote.

5. PRESENTATIONS OF PETITIONS, PROCLAMATIONS, AND SIMILAR PAPERS AND MATTERS

- A. Proclamation Honoring Those Who Served in Vietnam on National Vietnam War Veterans Day

Mr. George, Veterans Agent, stated that March 29, 2022 has been set aside as a day of gratitude for those who served in Vietnam. There would be an event in the City Council Chambers as a way to support veterans. There were 500 veterans from Watertown that served at that time. He also stated if anyone needs services or knows of someone who needs services to please refer those service members to him.

Councilor Piccirilli read the Proclamation.

Councilor Gardner moved to adopt the proclamation honoring those who served in Vietnam on National Vietnam War Veterans Day; Councilor Piccirilli seconded the motion. The motion was adopted unanimously on a voice vote.

6. PUBLIC HEARINGS

A. Public Hearing and Vote on a Proposed Ordinance to Modify Hours of Operation of the Administration Building and Senior Center

Mr. Tracy stated this request temporarily change the work hours for the Administration Building and the Senior Center from May 24 to September 2, 2022. On Tuesdays, these buildings would be open until 7:00 pm and on Fridays, the buildings would close at 2 p.m.

Council President Sideris open the Public Hearing; there being no speakers, the Public Hearing was closed.

Councilor Piccirilli moved to authorize the proposed Ordinance to modify the hours of operation of the Administration Building and the Senior Center; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

B. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of One Hundred Ninety-Eight Million Eight Hundred Forty-Four Thousand Two Hundred Fifty-Two Dollars (\$198,844,252) for the Purpose of Constructing a New Watertown High School located at 50 Columbia Street in Watertown, Massachusetts, Including the Payment of All Costs Related to Designing the Project, Demolishing the Existing Building, Equipping and Furnishing the School, Site Improvements, and All Other Costs Incidental and Related Thereto (the "Project"), Which Appropriation Shall Be in Addition to Amounts Previously Appropriated to Pay Costs of the Feasibility Study and Schematic Design Phase of the Project and Which School Facility Shall Have an Anticipated Useful Life as an Educational Facility for the Instruction of School Children of at Least 50 years, and for which the City May Be Eligible for a Grant from the Massachusetts School Building Authority (the "MSBA"), Said Amount to Be Expended Under the Direction of the Watertown School Building Committee; That to Meet this Appropriation the Treasurer, with the Approval of the City Manager, Is Authorized to Borrow Said Amount Pursuant to G.L. c.44, §7(1) or G.L. c.70B, or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor; that the City Acknowledges that the MSBA's Grant Program is a Non-Entitlement, Discretionary Program Based on Need, As Determined by the MSBA, and Any Project Costs the City Incurs in Excess of Any Grant Approved By and Received From the MSBA Shall be the Sole Responsibility of the City; That Any Grant that the City May Receive from the MSBA for the Project Shall Not Exceed the Lesser of (1) Forty-Nine and Thirty- Three One Hundredths Percent (49.33%) of Eligible, Approved Project Costs, As Determined by the MSBA, or (2) The Total

Maximum Grant Amount Determined by the MSBA; That the Amount of the Borrowing Authorized by This Order Shall Be Reduced By Any Grant Amount Set Forth In and Received Pursuant to the Project Funding Agreement that May Be Executed Between the City and the MSBA; and That the Design/Bid/Build Delivery Method Is Hereby Authorized to Carry out the Project Pursuant to the Provisions of G.L. c.149

Mr. Tracy stated this loan order is for the building of the new Watertown High School Project. MSBA requires the City to demonstrate its financial commitment to the project; therefore he is requesting the adoption of this loan order for \$198,844,252 and the state funds for \$44,283,365. The City will go the Bond Market several times based on cash flow needs. This is the largest single loan order the City has ever made. He thanked the taxpayers for providing the funding requesting the City Council's favorable approval of the loan order.

Ms. Christy J. Murphy, Project Executive for Compass Project Management, spoke on the issue. The new building will be a 200,000 square foot building plus a lower-level garage that will appear as a three-story building from Columbia St and a four-story building from Common St. on the current high school site; it will have a 487 seat auditorium, a 935 seat gymnasium with two full sized courts, multiple outdoor recreation and learning areas, about 136 parking spaces in a lower garage; and it will be a Net Zero Energy (NZE) building that meets LEED Platinum standards. To complete the project, there will be swing spaces in the lower levels of the Middle School and the Phillips Administration Building and the temporary modular Moxley Field School for three academic years.

It is projected that documentation and cost estimates will be completed by the end of this year; the swing space construction and initial construction will begin in the 2022/2023 time; and the construction completion of the building and its occupation will be in 2025/2026. Moxley Field will then be renovated but is not included in this project. The project budget breakdown includes:

Administration of Project	\$ 4,733,849
Architect/Engineering	\$ 13,834,050
Construction	\$ 138,651,235
Misc Project Costs (Including Swing Spaces)	\$ 28,742,164
Furniture, Fixtures & Equipment	\$ 3,456,000
Contingencies	<u>\$ 9,426,954</u>
	\$ 198,844, 252

The MSBA Grant will be 49.33% of the “eligible” costs:

MSBA Base Reimbursement Rate	45.52%
Incentive Points for Energy Efficiency	2.00%
Incentive Points for Maintenance Program	<u>1.81%</u>
	49.33%

She thanked the School Building Committee for their efforts and stated they had met over sixty times and held 10 Community Forums.

Council President Sideris opened the Public Hearing:

Will Clifford - Asked if there would be an Officer Friendly in the school and if the water would be sufficient for the bathroom facilities. The response was there would be water with the most energy equipment possible. There is also a School Resource Officer

Dr. Therese Mc Guinness – Assistant School Superintendent – The members of the public schools wanted to express their deepest gratitude to the City Council, city administrators and the community for their continued support of the schools. The funding is a testament to the City’s commitment to sound fiscal management; these school changes will help to provide a lasting impact on the students. The High School will be a center for community, fitness, entertainment, and enjoyment. She especially thanked Mr. Tracy, Mr. Driscoll, the City Council, and the community.

Kendra Foley – Chair, School Committee – Stated she was grateful for the continued partnership with and support of the City Council who is helping to transform the learning environment of the schools by creating state of the art educational facilities for students. This project is an opportunity to take an almost 100-year-old High School building and transforming it for students. The Council’s continued support for the schools is a key component for a thriving community and the country’s democracy.

John Portz - Robbins Road – Encouraged the Council to support the motion. It is the largest single investment of the City and is a work for the future, something that all should be proud of. The plan calls for a net zero building setting a new standard for the state and the LEED platinum certification. It will be an academic building with a community component. He thanked all who worked on the issue and especially thanked Council President Sideris and former City Manager Driscoll who were prime movers in making these improvements happen.

James Mello – Robbins Street – The new high school is a long time coming. The last time the City voted on a new High School was in the 70's where a doom and gloom campaign defeated the project. This school is long overdue. He urged the Council to vote unanimously in favor of it.

There being no other speakers, Council President Sideris closed the Public Hearing.

Councilor Piccirilli moved to authorize the City Treasurer, with the approval of the City Manager, to borrow and/or expend monies in the amount of one hundred ninety-eight million eight hundred forty-four thousand two hundred fifty-two dollars (\$198,844,252) for the purpose of constructing a new Watertown High School located at 50 Columbia Street in Watertown, Massachusetts, including the payment of all costs related to designing the project, demolishing the existing building, equipping and furnishing the school, site improvements, and all other costs incidental and related thereto (the "project"), which appropriation shall be in addition to amounts previously appropriated to pay costs of the feasibility study and schematic design phase of the project and which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"), said amount to be expended under the direction of the Watertown School Building Committee; that to meet this appropriation the Treasurer, with the approval of the City Manager, is authorized to borrow said amount pursuant to G.L. c.44, §7(1) or G.L. c.70b, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the City acknowledges that the MSBA's Grant Program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any Grant approved by and received from the MSBA shall be the sole responsibility of the City; that any grant that the City may receive from the MSBA for the project shall not exceed the lesser of (1) forty-nine and thirty- three one hundredths percent (49.33%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of the borrowing authorized by this order shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement that may be executed between the City and the MSBA; and that the design/bid/build delivery method is hereby authorized to carry out the project pursuant to the provisions of G.L. c.149; Councilor Gannon seconded the motion.

In the comments following:

- This project is a Community effort that began with MSBA rejections in 2014, 2015, and 2016, and finally acceptance in December 2017. March

2018 was the first meeting of the Building Committee; a year ago it was assumed that a special election for an override would be necessary; however, with successful planning, that vote was not needed. The new school will benefit many grateful future generations. This will be a building that will provide new and traditional education programs including career technical programs to help students become productive citizens.

- This school will be a state-of-the-art building, especially as it relates to environmental needs. It will be both a net zero energy facility and a LEED Platinum certified building. Green schools should be the MSBA's standard for all future schools.
- The parents of the community and the dedicated staff should be thanked for their efforts and for their patience as well as the school and city administrations who made a large effort to get the City this far. The students who will be in modulars should be appreciated for their endurance while the new school is being built. A hope was expressed that some of these students might be able to experience the new facility.
- While this is a staggering amount of money, this project has been a team effort. The taxpayers are paying the bills, the manager with financial skill was able to avoid an override vote, the Council kept spending within budget to create a financially secure opportunity, the school administration, the staff, and the parents are all to be commended. This is an improvement for all of the community to be proud of.

The motion was adopted unanimously on a roll call vote.

- C. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of \$48,895,000 is Appropriated to Pay Costs of Renovating and Constructing Additions to the Lowell Elementary School and Constructing the new Hosmer and Cuniff Elementary Schools, Including the Costs of Equipping and Furnishing the Schools, Making Site Improvements at the Schools and All Other Costs Incidental and Related to Such School Projects, Which Appropriation Shall Be in Addition to All Amounts Previously Appropriated for Such School Projects; and That to Meet This Appropriation, the Treasurer, With the Approval of the City Manager, Is Authorized to Borrow Said Amount Under and Pursuant to M.G.L. c.44, §7(1), or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor.

Mr. Tracy stated this is a request for \$48,895,000 to complete the punch list items for the Cuniff and Hosmer Schools; the demolition of the former Hosmer School; the site work at the Hosmer including O'Connell Field, and the renovation and expansion of the Lowell School.

Council President Sideris added that with current conditions and the minimal number of change orders for the other two schools, the cost escalations have been factored in, and the project remains within budget. The community is looking forward to awarding the bid for the project.

The Public Hearing was opened; there being no speakers, the Public Hearing was closed.

Councilor Piccirilli moved to authorize the City Treasurer, with the approval of the City Manager, to Borrow and/or expend monies in the amount of \$48,895,000 is appropriated to pay costs of renovating and constructing additions to the Lowell Elementary School and constructing the new Hosmer and Cunniff Elementary Schools, including the costs of equipping and furnishing the schools, making site improvements at the schools and all other costs incidental and related to such school projects, which appropriation shall be in addition to all amounts previously appropriated for such school projects; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or Pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; Councilor Gannon seconded the motion. The motion was adopted unanimously on a roll call vote.

- D. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of \$2,500,000 Is Appropriated to Pay Costs of Constructing, Reconstructing, Paving, Repairing or Otherwise Improving Streets and Sidewalks, Including if Necessary, Convenient or Desirable Improving Underground Ducts and Conduits and Paying All Other Costs Incidental and Related to Such Street and Sidewalk Work; and That to Meet this Appropriation, the Treasurer, with the Approval of the City Manager, is Authorized to Borrow Said Amount Under and Pursuant to M.G.L. c.44, §7(1), or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor

Mr. Tracy stated this was the annual \$2,500,000 request to road repair. Mr. St. Louis, Superintendent of Public Works, stated these funds would be used for pavement management of Boylston, Chester, Locke, and Chapman Streets.

Council President Sideris opened the Public Hearing; there being no speakers, the Public Hearing was closed.

Councilor Piccirilli moved to authorize the City Treasurer, with the approval of the City Manager, to borrow and/or expend monies in the amount of \$2,500,000 is appropriated to pay costs of constructing, reconstructing, paving, repairing or otherwise improving streets and sidewalks, including if necessary, convenient or desirable improving underground ducts and conduits and paying all other costs incidental and related to such street and sidewalk work; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; Councilor Feltner seconded the motion. The motion was adopted unanimously on roll call vote.

7. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS

A. An Order Accepting a Public Pedestrian Access Easement and a Traffic Signal Infrastructure Easement Across 101 Walnut Street and Authorizing the City Manager to Execute the Acceptance of Said Easements

Mr. Magoon stated this is an easement for pedestrian and bicycle access across property at 101 Walnut Street.

Councilor Piccirilli moved to accept a public pedestrian access easement and a traffic signal infrastructure easement across 101 Walnut Street and authorizing the City Manager to execute the acceptance of said easements; Councilor Gannon seconded the motion.

The following discussion occurred:

- It was clarified that the pathway is on Arsenal St. at Louise St. allowing people to come out from Walnut Street. There is a pedestrian signal nearby but it is not part of the easement which is just on the commercial side of Arsenal St.
- The property address is 101 Walnut, but the easement is for Arsenal St. There is a building going up that will be on 85 Walnut Street. The 101 and 85 Walnut Street properties wanted to combine the area to have access to Arsenal St by creating a private way

The motion was adopted unanimously on a voice vote.

B. First Reading on a Proposed Ordinance Amending the City Auditor and the Acting City Manager's Compensation

Council President Sideris stated the City Auditor's salary is annually adjusted for a COLA and a performance review. This is a request to provide a 2% COLA increase and a 1.5% performance increase. In addition, the City Manager's salary will be adjusted to be \$188,000 on an annualized basis. The City

manager's stipend ended on January 31, 2022. This matter would be taken up at the next meeting.

C. First Reading on a Proposed Ordinance Amending the Acting Deputy City Manager's Compensation

Council President Sideris stated the City Council authorized the position of Deputy City Manager whose salary is being adjusted with a \$22,500 increase on an annualized basis beginning February 1, 2022. This matter would be taken up at the next meeting.

8. REPORTS OF COMMITTEES

A. Committee of the Budget and Fiscal Oversight Report Regarding Conceptual Recommendations on the FY 2023 - FY 2027 Capital Improvement Program (CIP)

ACTION ITEMS:

1. That the City Council Adopt the 34 Conceptual Recommendations listed in the Committee's Report
2. That the City Council Recommend the City Manager Maintain the FY2023 Capital Spending so that it Does Not Exceed 8% of the Submitted FY2023 Operating Budget in Order to Meet the City Council's Budget Policy Guideline that the City Should Seek to Make Capital Expenditures (Including Debt and Exclusive of the School Building for the Future Initiative Funding and Enterprise Funds) Equal to at Least 7.5% - 8% of the Operating Budget

Councilor Piccirilli read the Committee Report. Councilor Piccirilli moved to accept the report; Councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote.

Councilor Piccirilli moved to adopt the 34 conceptual recommendations listed in the Committee's Report; Councilor Feltner seconded the motion. The motion was adopted the unanimously on a voice vote.

Councilor Piccirilli moved that the City Council recommend to the City Manager to maintain the FY2023 Capital Spending so that it does not exceed 8% of the submitted FY2023 Operating Budget in order to meet the City Council's Budget Policy Guideline that the City should seek to make capital expenditures (including debt and exclusive of the School Building for the Future Initiative Funding and Enterprise Funds) equal to at least 7.5% - 8% of the operating budget; Councilor Gannon seconded the motion. The motion was adopted the unanimously on a voice vote.

B. Committee on Economic Development and Planning Report Regarding Interviews for Appointments to the Zoning Board of Appeals

ACTION ITEM:

1. That the City Council Confirm Gregory Girard for Appointment to the Zoning Board of Appeals as an Alternate Member for a Term to Expire on February 15, 2024
2. That the City Council Confirm Michael Brangwynne for Appointment to the Zoning Board of Appeals as a Full Member for a Term to Expire on February 15, 2026

Councilor Feltner read the Committee Report. Councilor Piccirilli moved to accept the Report; Councilor Gardner seconded the motion. Councilor Airasian offered a friendly amendment to the report. Ms. Donato's term expired in February 2021; however, she remained on the Board until recently.

The motion as amended was adopted unanimously on a voice vote.

Councilor Piccirilli moved to have the City Council confirm Gregory Girard for appointment to the Zoning Board of Appeals as an Alternate Member for a term to expire on February 15, 2024; Councilor Gardner seconded the motion. The motion was adopted unanimously on a voice vote.

Councilor Piccirilli moved to have the City Council confirm Michael Brangwynne for appointment to the Zoning Board of Appeals as a Full Member for a term to expire on February 15, 2026; Councilor Gardner seconded the motion. The motion was adopted unanimously on a voice vote.

C. Committee on Public Works Report Regarding the Appointment of Ms. Darya Mattes to the Conservation Commission

ACTION ITEM:

That the City Council Approve the Appointment of Darya Mattes to the Conservation Commission for a Term Ending February 15, 2024

Councilor Piccirilli read the Committee Report. Councilor Piccirilli moved to accept the report; Councilor Gannon seconded the motion. The motion was adopted unanimously on a voice vote.

Councilor Gardner moved to have the City Council approve the appointment of Darya Mattes to the Conservation Commission for a term ending February 15, 2024; Councilor Piccirilli seconded the motion. The motion was adopted unanimously on a voice vote.

9. NEW BUSINESS

- A. Referral to the Committee of the Budget and Fiscal Oversight a Request to Adjust the Compensation for Retirement Board Members

The Retirement Board is requesting an increase in their stipend; this is something that should be discussed. Councilor Piccirilli moved to refer to the Committee of the Budget and Fiscal Oversight a request to adjust the compensation for Retirement Board members; Councilor Gardner seconded the motion. The motion was adopted unanimously on a voice vote.

- B. Referral to the Committee on State, Federal, and Regional Government to Discuss the Status of the 2022 Closing of Greenough Boulevard and to Request the DCR to Have Representation at the Meeting

Councilor Gardner requested this referral. The Council previously requested a discussion of closing Greenough Boulevard of DCR. DCR closed the street but without any discussion. Senator Brownsberger believed it was fine to request DCR's presence. Councilor Piccirilli moved to refer to the Committee on State, Federal, and Regional Government to discuss the status of the 2022 closing of Greenough Boulevard and to request the DCR to have representation at the meeting; Councilor Gannon seconded the motion. The motion was adopted unanimously on a voice vote.

10. COMMUNICATIONS FROM THE CITY MANAGER

- A. Request for Confirmation of Appointment to the Board of Health

This matter was tabled.

- B. Request for Confirmation of Appointment and Reappointment to the Conservation Commission

Mr. Tracy requested confirmation for the appointment of Rachel Danford and the reappointment of Charles Bering, both for terms to expire on February 15, 2025, to the Conservation Commission.

He also announced the relaxation of the overnight ban on March 23, 2022.

11. REQUESTS FOR INFORMATION /REVIEW OF LIST OF PENDING MATTERS

There were no requests for information.

12. ANNOUNCEMENTS

Council President Sideris announced the City Manager screening Committee received 23 applications for the position. The Committee reviewed the resumes in executive session and scheduled interviews with eight of the candidates. The interviews will take place in executive session as some applicants are currently employed. In order to provide for their confidentiality, these interviews will be completed in executive session as well. When the Committee is ready to recommend finalists to the City Council, the names will then be announced. The public can meet candidates and the Council will begin to final process of selection.

13. PUBLIC FORUM

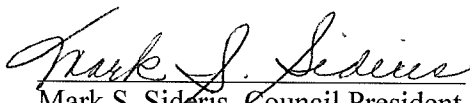
Will Clifford – 93 Riverside Street – Suggested with Ridgelawn Cemetery beginning to reach capacity, the City should build walls that contain niches for remains. The cost would be minimal. He also thanked the Councilors for their efforts to create a good high school

James Mello – Robbins St – Stated it was time for the major public boards to start meeting in public. It is often hard to hear board members speak during a Zoom meeting. He had no issues with using Zoom as an added service.

14. RECESS OR ADJOURNMENT

Councilor Piccirilli moved to adjourn the meeting; Councilor Gannon seconded the motion. The motion was adopted unanimously on a voice vote. The meeting adjourned at 8:42 p.m.

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 7 for, 0 against, 0 present on April 12, 2022.


Mark S. Sideris, Council President
s:/MWP

**TOWN COUNCIL MEETING
TUESDAY, MARCH 22, 2022, AT 7:00 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
WITH REMOTE ACCESS OPPORTUNITIES**

LIST OF DOCUMENTS

1. Proclamation Honoring Those Who Served in Vietnam on National Vietnam War Veterans Day – March 22, 2022 – Item 5A
2. Proposed Ordinance to Modify Administration Building and Senior Center Hours – Thomas Tracy, Acting City Manager, to City Council – March 1, 2022 – Item 6A
3. Agenda Item – Proposed Loan Order Regarding the Financing of the New Watertown High School Building – Thomas Tracy, Acting City Manager, to City Council – March 3, 2022 – Item 6B
4. Agenda Item – Proposed Loan Order Regarding the Renovations and Expansion of the Lowell Elementary School and the Construction of the Cunniff and Hosmer Elementary Schools – Thomas Tracy, Acting City Manager, to City Council – March 3, 2022 – Item 6C
5. Agenda Item – Proposed Loan Order Regarding Local Road Construction Projects for the Summer of 2022 – Thomas Tracy, Acting City Manager, to City Council – March 3, 2022 – Item 6D
6. Agenda Item – An Order Accepting a Public Pedestrian Access Easement and a Traffic Signal Infrastructure Easement Across 101 Walnut Street and Authorizing the City Manager to Execute the Acceptance of Said Easements– Thomas Tracy, Acting City Manager, to City Council – March 17, 2022 – Item 7A
7. Committee of the Budget and Fiscal Oversight Report Regarding Watertown’ FY2023 – FY2027 Capital Improvement Program – Vincent J. Piccirilli, Chair – February 10 and 15 and March 7, 2022 – Item 8A
8. Committee on Economic Development and Planning Report Regarding Appointments to the Zoning Board of Appeals – Lisa J. Feltner, Chair – March 10, 2022 – Item 8B
9. Committee on Public Works Report Regarding the Appointment of a Member to the Conservation Commission Vincent J. Piccirilli, Chair – March 10, 2022 – Item 8C
10. Letter Regarding the Retirement Board Member Stipend – Thomas V. Thibault, Chair of Watertown Contributory Retirement Board to the City Council – February 17, 2021 – Item 9A

*Addendum to
the Minutes of the
March 22, 2022
City Council
Meeting*



Watertown City Council

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

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CITY COUNCIL MEETING

TUESDAY, MARCH 22, 2022 AT 7:00 PM

RICHARD E. MASTRANGELO COUNCIL CHAMBER

AGENDA

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
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- D. The Public may comment through email: vpiccirilli@watertown-ma.gov

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 - 2. PLEDGE OF ALLEGIANCE
 - 3. PUBLIC FORUM
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 - 6. PUBLIC HEARINGS
 - A. Public Hearing and Vote on a Proposed Ordinance to Modify Hours of Operation of the Administration Building and Senior Center
 - B. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of One Hundred Ninety-Eight Million Eight Hundred Forty-Four Thousand Two Hundred Fifty-Two Dollars (\$198,844,252) for the Purpose of Constructing a

New Watertown High School located at 50 Columbia Street in Watertown, Massachusetts, Including the Payment of All Costs Related to Designing the Project, Demolishing the Existing Building, Equipping and Furnishing the School, Site Improvements, and All Other Costs Incidental and Related Thereto (the "Project"), Which Appropriation Shall Be in Addition to Amounts Previously Appropriated to Pay Costs of the Feasibility Study and Schematic Design Phase of the Project and Which School Facility Shall Have an Anticipated Useful Life as an Educational Facility for the Instruction of School Children of at Least 50 years, and for which the City May Be Eligible for a Grant from the Massachusetts School Building Authority (the "MSBA"), Said Amount to Be Expended Under the Direction of the Watertown School Building Committee; That to Meet this Appropriation the Treasurer, with the Approval of the City Manager, Is Authorized to Borrow Said Amount Pursuant to G.L. c.44, §7(1) or G.L. c.70B, or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor; that the City Acknowledges that the MSBA's Grant Program is a Non-Entitlement, Discretionary Program Based on Need, As Determined by the MSBA, and Any Project Costs the City Incurs in Excess of Any Grant Approved By and Received From the MSBA Shall be the Sole Responsibility of the City; That Any Grant that the City May Receive from the MSBA for the Project Shall Not Exceed the Lesser of (1) Forty-Nine and Thirty-Three One Hundredths Percent (49.33%) of Eligible, Approved Project Costs, As Determined by the MSBA, or (2) The Total Maximum Grant Amount Determined by the MSBA; That the Amount of the Borrowing Authorized by This Order Shall Be Reduced By Any Grant Amount Set Forth In and Received Pursuant to the Project Funding Agreement that May Be Executed Between the City and the MSBA; and That the Design/Bid/Build Delivery Method Is Hereby Authorized to Carry out the Project Pursuant to the Provisions of G.L. c.149

- C. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of \$48,895,000 is Appropriated to Pay Costs of Renovating and Constructing Additions to the Lowell Elementary School and Constructing the new Hosmer and Cunniff Elementary Schools, Including the Costs of Equipping and Furnishing the Schools, Making Site Improvements at the Schools and All Other Costs Incidental and Related to Such School Projects, Which Appropriation Shall Be in Addition to All Amounts Previously Appropriated for Such School Projects; and That to Meet This Appropriation, the Treasurer, With the Approval of the City Manager, Is Authorized to Borrow Said Amount Under and Pursuant to M.G.L. c.44, §7(1), or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor.
- D. Public Hearing and Vote on a Proposed Loan Order Authorizing the City Treasurer, with the Approval of the City Manager, to Borrow and/or Expend Monies in the Amount of \$2,500,000 Is Appropriated to Pay Costs of Constructing, Reconstructing, Paving, Repairing or Otherwise Improving Streets and Sidewalks, Including if Necessary, Convenient or Desirable Improving Underground Ducts and Conduits and Paying All Other Costs Incidental and Related to Such Street and Sidewalk Work; and That to Meet this Appropriation, the Treasurer, with the Approval of the City Manager, is Authorized to Borrow Said Amount Under and Pursuant to M.G.L. c.44, §7(1), or Pursuant to Any Other Enabling Authority, and to Issue Bonds or Notes of the City Therefor.

7. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS

- A. An Order Accepting a Public Pedestrian Access Easement and a Traffic Signal Infrastructure Easement Across 101 Walnut Street and Authorizing the City Manager to Execute the Acceptance of Said Easements

- B. First Reading on a Proposed Ordinance Amending the City Auditor and the Acting City Manager's Compensation
- C. First Reading on a Proposed Ordinance Amending the Acting Deputy City Manager's Compensation
- 8. REPORTS OF COMMITTEES
 - A. Committee of the Budget and Fiscal Oversight Report Regarding Conceptual Recommendations on the FY 2023 - FY 2027 Capital Improvement Program (CIP)
ACTION ITEMS:
 - 1. That the City Council Adopt the 34 Conceptual Recommendations listed in the Committee's Report
 - 2. That the City Council Recommend the City Manager Maintain the FY2023 Capital Spending so that it Does Not Exceed 8% of the Submitted FY2023 Operating Budget in Order to Meet the City Council's Budget Policy Guideline that the City Should Seek to Make Capital Expenditures (Including Debt and Exclusive of the School Building for the Future Initiative Funding and Enterprise Funds) Equal to at Least 7.5% - 8% of the Operating Budget
 - B. Committee on Economic Development and Planning Report Regarding Interviews for Appointments to the Zoning Board of Appeals
ACTION ITEM:
 - 1. That the City Council Confirm Gregory Girard for Appointment to the Zoning Board of Appeals as an Alternate Member for a Term to Expire on February 15, 2024
 - 2. That the City Council Confirm Michael Brangwynne for Appointment to the Zoning Board of Appeals as a Full Member for a Term to Expire on February 15, 2026
 - C. Committee on Public Works Report Regarding the Appointment of Ms. Darya Mattes to the Conservation Commission
ACTION ITEM:
That the City Council Approve the Appointment of Darya Mattes to the Conservation Commission for a Term Ending February 15, 2024
- 9. NEW BUSINESS
 - A. Referral to the Committee of the Budget and Fiscal Oversight a Request to Adjust the Compensation for Retirement Board Members
 - B. Referral to the Committee on State, Federal, and Regional Government to Discuss the Status of the 2022 Closing of Greenough Boulevard and to Request the DCR to Have Representation at the Meeting
- 10. COMMUNICATIONS FROM THE CITY MANAGER
 - A. Request for Confirmation of Appointment to the Board of Health
 - B. Request for Confirmation of Appointment and Reappointment to the Conservation Commission
- 11. REQUESTS FOR INFORMATION/REVIEW OF LIST OF PENDING MATTERS
- 12. ANNOUNCEMENTS
- 13. PUBLIC FORUM
- 14. RECESS OR ADJOURNMENT

CITY COUNCIL ATTENDANCE
MEETING DATE: MARCH 22, 2022

	YES	NO	PRESENT
NICOLE GARDNER	___X___	_____	_____
EMILY IZZO	___X___	_____	_____
ANTHONY PALOMBA	___X___	_____	_____
VINCENT PICCIRILLI	___X___	_____	_____
JOHN M. AIRASIAN	___X___	_____	_____
CAROLINE BAYS	___X___	_____	_____
LISA J. FELTNER	___X___	_____	_____
JOHN G. GANNON	ARRIVED AT 7:03 P.M.	_____	_____
MARK S. SIDERIS, COUNCIL PRESIDENT	___X___	_____	_____

JAMES L. MELLO
100 Warren Street, A203
Watertown, Massachusetts 02472
(617) 785-1366
jimmymello56@gmail.com

March 21, 2022

Watertown City Council
Administration Building
149 Main Street
Watertown, Massachusetts 02472

Dear City Councilors,

This letter and the following photos concern a serious issue facing businesses, their customers and pedestrians that use Mt. Auburn Street between Baptist Walk and Main Street. In the last few months there have been two automobile accidents that have occurred on this one block area. The first in November when a vehicle jumped the curb and crashed into Italian Furniture Design causing damage to their façade. The second occurred just a few weeks ago when a vehicle also jumped the curb and crashed into three storefronts Watertown Sportswear, Relax Therapy Center and Sichuan Cuisine. Fortunately no pedestrians, customers or employees of these establishments were involved therefore avoiding serious injury or even death. Over the years there have been other accidents along this block of businesses also never resulting in any serious harm. Attached please see the following photos.

I believe that there may be a solution to this situation by installing planters (see final photo) that the city has used in other parts of the community. These planters are made out of concrete and are approximately 36" x 21" and are filled with soil with plants/flowers being put in them during the Spring. These could be spaced apart and not placed over any utility connections or in the way of the one bus stop. I have also communicated with many of the businesses and they have expressed their support for this solution.



Italian Design Furniture



Watertown Sportswear, Relax Therapy Center and Sichuan Cuisine











Watertown City 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 &
District C Councilor

John M. Airasian
Councilor At Large

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

PROCLAMATION HONORING THOSE WHO SERVED IN VIETNAM ON NATIONAL VIETNAM WAR VETERANS DAY

WHEREAS: President Barack Obama proclaimed May 28, 2012, through November 11, 2025 as the Commemoration of the 50th Anniversary of the Vietnam War, and

WHEREAS: President Donald Trump signed into law, the Vietnam War Veterans Recognition Act of 2017, designating every March 29th as National Vietnam War Veterans Day, and

WHEREAS: On this National Vietnam War Veterans Day of 2022, the City of Watertown heeds the call of the nation to commemorate and honor the ultimate sacrifice of those who fought and died during the Vietnam War, and

WHEREAS: The City of Watertown wishes to recognize the roughly 500 Veterans from our city who served in that war and to recognize their families, and

WHEREAS: The City of Watertown remembers and honors the lives lost during that war, and pays special attention to the following Sons of Watertown who lost their lives during that war:

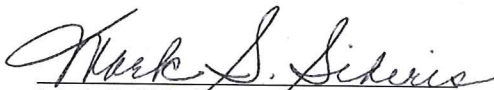
- James Patrick Casey, Warrant Officer, Army
- Paul James Gorman, Private First Class, Marine Corps
- Frederick E. Harrington, Jr., Corporal, Army
- John Robert Johnson, Private First Class, Army
- Daniel Joseph Minahan, First Lieutenant, Marine Corps
- John H. Moreno, Sergeant, Marine Corps
- Richard Stephen Moxley, Private First Class, Marine Corps
- William Kenneth Regan, Sergeant, Army
- John Joseph Sullivan, Private First Class, Army
- Paul Joseph Sullivan, First Lieutenant, Army

NOW THEREFORE BE IT PROCLAIMED: That the City of Watertown hereby proclaims Tuesday, March 29, 2022, as

NATIONAL VIETNAM WAR VETERANS DAY

IN WITNESS HEREOF,

I have hereunto set my hand and caused the
Great Seal of the City of Watertown to be
Affixed on this 22nd day of March 2022.


Mark S. Sideris, Council President
s:/MWP

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: MARCH 22, 2022**

	YES	NO	PRESENT
EMILY IZZO	<u> X </u>	<u> </u>	<u> </u>
ANTHONY PALOMBA	<u> X </u>	<u> </u>	<u> </u>
VNICENT J. PICCIRILLI	<u> X </u>	<u> </u>	<u> </u>
JOHN M. AIRASIAN	<u> X </u>	<u> </u>	<u> </u>
CAROLINE BAYS	<u> X </u>	<u> </u>	<u> </u>
LISA J. FELTNER	<u> </u>	<u> X </u>	<u> </u>
JOHN G. GANNON	<u> X </u>	<u> </u>	<u> </u>
NICOLE GARDNER	<u> </u>	<u> X </u>	<u> </u>
MARK S. SIDERIS, COUNCIL PRESIDENT	<u> X </u>	<u> </u>	<u> </u>

MOTION TO AUTHORIZE THE PROPOSED ORDINANCE TO MODIFY THE HOURS OF
OPERATION OF THE ADMINISTRATION BUILDING AND THE SENIOR CENTER



Watertown City 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 &
District C Councilor

John M. Airasian
Councilor At Large

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

ORDINANCE # 17

2022 – O – 17

AN ORDINANCE TO TEMPORARILY MODIFY HOURS OF OPERATION OF THE ADMINISTRATION BUILDING AND THE SENIOR CENTER

WHEREAS: The hours of operation for all offices in the Administration Building are established by Chapter 30.03 of the Ordinances of the City of Watertown; and,

WHEREAS: Through the collective bargaining process with SEIU, Local 888, Watertown City Hall Associates, the Acting City Manager agreed through a Side Letter of Agreement dated April 29, 2002 to provide for a trial period of modified Summer Hours for the months of July and August 2002, subject to City Council approval.

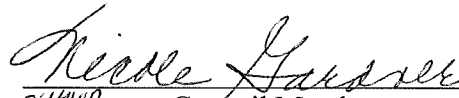
WHEREAS: The Honorable City Council approved the modification of Administration Building hours for the months of July and August beginning in 2002 through 2004, and from Memorial Day to Labor Day beginning in 2005 through 2021, the Acting City Manager recommends that the modification of hours previously adopted continue from Memorial Day to Labor Day 2021;

WHEREAS: Furthermore, the Acting City Manager has agreed to modify Senior Center hours, subject to City Council approval;

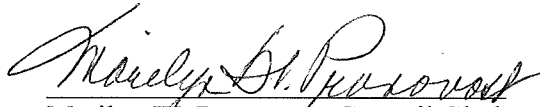
NOW THEREFORE BE IT ORDAINED: That Chapter 30.03, of the Ordinances of the City of Watertown is amended to as follows:

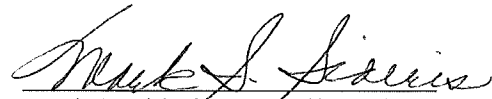
(c) The Building Inspectors' Office continues to be open for the transaction of business beginning at 7:30 AM until 5:00 PM or 7:00 PM, when all offices in the Administration Building are open. This section (c) can be rescinded at the discretion of the Acting City Manager.

(d) Notwithstanding the above hours of operation, for a temporary period beginning Tuesday, May 24, 2022, and ending on Friday, September 2, 2022, all offices in the Administration Building and the Senior Center shall be open for the transaction of business during the hours provided in Section (a), except that on Tuesday the hours shall be from 8:30 AM to 7:00 PM and on Fridays from 8:30 AM to 2:00 PM. In addition, the terms and conditions of employment for the temporary period as set out in the Side Letter of Agreement dated April 29, 2002, are incorporated herein. The modified hours provided herein shall expire as of midnight September 2, 2022, and this Section (d) shall be automatically rescinded.


S:1HWP Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Resolution was adopted by a vote 9 for, 0 against, and 0 present on March 22, 2022.


Marilyn W. Pronovost, Council Clerk


S:1HWP Mark S. Sideris, Council President

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: MARCH 22, 2022**

	YES	NO	PRESENT
ANTHONY PALOMBA	<u> X </u>	<u> </u>	<u> </u>
VINCENT J. PICCIRILLI	<u> X </u>	<u> </u>	<u> </u>
JOHN M. AIRASIAN	<u> X </u>	<u> </u>	<u> </u>
CAROLINE BAYS	<u> X </u>	<u> </u>	<u> </u>
LISA J. FELTNER	<u> X </u>	<u> </u>	<u> </u>
JOHN G. GANNON	<u> X </u>	<u> </u>	<u> </u>
NICOLE GARDNER	<u> X </u>	<u> </u>	<u> </u>
EMILY IZZO	<u> X </u>	<u> </u>	<u> </u>
MARK S. SIDERIS, COUNCIL PRESIDENT	<u> X </u>	<u> </u>	<u> </u>

MOTION TO AUTHORIZE THE BORROWING AND/OR EXPENDITURES IN THE AMOUNT OF ONE HUNDRED NINETY-EIGHT MILLION EIGHT HUNDRED FORTY-FOUR THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$198,844,252) FOR THE PURPOSE OF CONSTRUCTING A NEW WATERTOWN HIGH SCHOOL LOCATED AT 50 COLUMBIA STREET IN WATERTOWN, MASSACHUSETTS, INCLUDING THE PAYMENT OF ALL COSTS RELATED TO DESIGNING THE PROJECT, DEMOLISHING THE EXISTING BUILDING, EQUIPPING AND FURNISHING THE SCHOOL, SITE IMPROVEMENTS, AND ALL OTHER COSTS INCIDENTAL AND RELATED THERETO AND FOR WHICH THE CITY MAY BE ELIGIBLE FOR A GRANT FROM THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY (THE "MSBA")



Watertown City Council

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

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

ORDER # 18

2022 – O – 18

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

LOAN ORDER TO APPROVE THE BORROWING OF FUNDS TO PAY COSTS OF THE NEW HIGH SCHOOL PROJECT

John M. Airasian
Councilor At Large

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

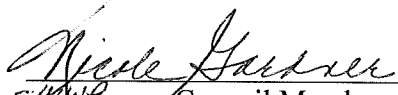
Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

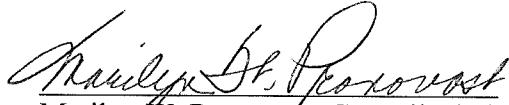
Emily Izzo,
District D Councilor

ORDERED: That the City hereby appropriates the amount of one hundred ninety-eight million eight hundred forty-four thousand two hundred fifty-two dollars (\$198,844,252) for the purpose of constructing a new Watertown High School located at 50 Columbia Street in Watertown, Massachusetts, including the payment of all costs related to designing the project, demolishing the existing building, equipping and furnishing the school, site improvements, and all other costs incidental and related thereto (the "project"), which appropriation shall be in addition to amounts previously appropriated to pay costs of the feasibility study and schematic design phase of the project and which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"), said amount to be expended under the direction of the Watertown School Building Committee; that to meet this appropriation the Treasurer, with the approval of the City Manager, is authorized to borrow said amount pursuant to G.L. c.44, §7(1) or G.L. c.70B, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the City acknowledges that the MSBA's Grant Program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any Grant approved by and received from the MSBA shall be the sole responsibility of the City; that any grant that the City may receive from the MSBA for the project shall not exceed the lesser of (1) forty-nine and thirty-three one hundredths percent (49.33%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of the borrowing authorized by this order shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement that may be executed between the City and the MSBA; and that the design/bid/build delivery method is hereby authorized to carry out the Project pursuant to the provisions of G.L. c.149

BE IT FURTHER ORDERED: That a copy of said Order be forwarded to the Town Auditor and Town Treasurer/Collector.


Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Resolution was adopted by a vote 9 for, 0 against, and 0 present on March 22, 2022.


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: MARCH 22, 2022**

	YES	NO	PRESENT
VINCENT J. PICCIRILLI	<u> X </u>	<u> </u>	<u> </u>
JOHN M. AIRASIAN	<u> X </u>	<u> </u>	<u> </u>
CAROLINE BAYS	<u> X </u>	<u> </u>	<u> </u>
LISA J. FELTNER	<u> X </u>	<u> </u>	<u> </u>
JOHN G. GANNON	<u> X </u>	<u> </u>	<u> </u>
NICOLE GARDNER	<u> X </u>	<u> </u>	<u> </u>
EMILY IZZO	<u> X </u>	<u> </u>	<u> </u>
ANTHONY PALOMBA	<u> X </u>	<u> </u>	<u> </u>
MARK S. SIDERIS, COUNCIL PRESIDENT	<u> X </u>	<u> </u>	<u> </u>

MOTION TO AUTHORIZE THE CITY TREASURER, WITH THE APPROVAL OF THE CITY MANAGER, TO BORROW AND/OR EXPEND MONIES IN THE AMOUNT OF \$48,895,000 IS APPROPRIATED TO PAY COSTS OF RENOVATING AND CONSTRUCTING ADDITIONS TO THE LOWELL ELEMENTARY SCHOOL AND CONSTRUCTING THE NEW HOSMER AND CUNNIFF ELEMENTARY SCHOOLS, INCLUDING THE COSTS OF EQUIPPING AND FURNISHING THE SCHOOLS, MAKING SITE IMPROVEMENTS AT THE SCHOOLS AND ALL OTHER COSTS INCIDENTAL AND RELATED TO SUCH SCHOOL PROJECTS, WHICH APPROPRIATION SHALL BE IN ADDITION TO ALL AMOUNTS PREVIOUSLY APPROPRIATED FOR SUCH SCHOOL PROJECTS



Watertown City Council

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

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

ORDER # 19

2022 – O – 19

Vincent J. Piccirilli, Jr.,
Vice President and
District C Councilor

**ORDER TO APPROVE THE BORROWING OF FUNDS
TO PAY COSTS OF THE LOWELL ELEMENTARY SCHOOL PROJECT
AND ANY ADDITIONAL COSTS OF THE
HOSMER AND CUNNIFF ELEMENTARY SCHOOL PROJECTS**

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

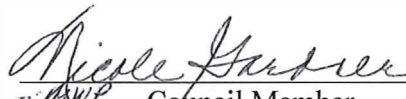
Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo
District D Councilor

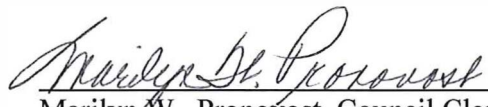
ORDERED: That the sum of \$48,895,000 is appropriated to pay costs of renovating and constructing additions to the Lowell Elementary School and constructing the new Hosmer and Cuniff elementary Schools, including the costs of equipping and furnishing the schools, making site improvements at the schools and all other costs incidental and related to such school projects, which appropriation shall be in addition to all amounts previously appropriated for such school projects; and that to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

BE IT FURTHER ORDERED: That a copy of said Order be forwarded to the Town Auditor and Town Treasurer/Collector.

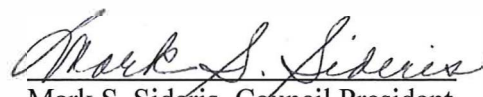


Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022.



Marilyn W. Pronovost, Council Clerk



Mark S. Sideris, Council President

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: MARCH 22, 2022**

	YES	NO	PRESENT
JOHN M. AIRASIAN	<u> X </u>	<u> </u>	<u> </u>
CAROLINE BAYS	<u> X </u>	<u> </u>	<u> </u>
LISA J. FELTNER	<u> X </u>	<u> </u>	<u> </u>
JOHN G. GANNON	<u> X </u>	<u> </u>	<u> </u>
NICOLE GARDNER	<u> X </u>	<u> </u>	<u> </u>
EMILY IZZO	<u> X </u>	<u> </u>	<u> </u>
ANTHONY PALOMBA	<u> X </u>	<u> </u>	<u> </u>
VINCENT J. PICCIRILLI, JR.	<u> X </u>	<u> </u>	<u> </u>
MARK S. SIDERIS, COUNCIL PRESIDENT	<u> X </u>	<u> </u>	<u> </u>

MOTION TO AUTHORIZE THE CITY TREASURER, WITH THE APPROVAL OF THE CITY MANAGER, TO BORROW AND/OR EXPEND MONIES IN THE AMOUNT OF \$2,500,000 IS APPROPRIATED TO PAY COSTS OF CONSTRUCTING, RECONSTRUCTING, PAVING, REPAIRING OR OTHERWISE IMPROVING STREETS AND SIDEWALKS, INCLUDING IF NECESSARY, CONVENIENT OR DESIRABLE IMPROVING UNDERGROUND DUCTS AND CONDUITS AND PAYING ALL OTHER COSTS INCIDENTAL AND RELATED TO SUCH STREET AND SIDEWALK WORK



Watertown City Council

Administration Building
149 Main Street
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Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

ORDER # 20

2022 – O – 20

Vincent J. Piccirilli, Jr.,
Vice President and
District C Councilor

ORDER TO APPROVE THE BORROWING OF FUNDS TO PAY COSTS OF STREET AND SIDEWALK IMPROVEMENTS

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

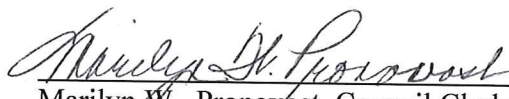
Emily Izzo
District D Councilor

ORDERED: That the sum of \$2,500,000 is appropriated to pay costs of constructing, paving, repairing or otherwise improving streets and sidewalks, in if necessary, convenient or desirable improving underground ducts and conduits and paying all other costs incidental and related to such street and sidewalk work; and that to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

BE IT FURTHER ORDERED: That a copy of said Order be forwarded to the Town Auditor and Town Treasurer/Collector.


Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022.


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President



Watertown City 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 &
District C Councilor

John M. Airasian
Councilor At Large

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

ORDER #21

2022 – O – 21

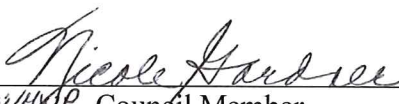
AN ORDER ACCEPTING A PUBLIC PEDESTRIAN ACCESS EASEMENT AND A TRAFFIC SIGNAL INFRASTRUCTURE EASEMENT ACROSS 101 WALNUT STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ACCEPTANCE OF SAID EASEMENTS

WHEREAS: Carbon Propco 2021, LLC (the “Grantor”), is the owner of certain real property situated at 101 Walnut Street, by virtue of a Quitclaim Deed dated as of August 31, 2021, recorded with the Middlesex South District Registry of Deeds in Book 78604, Page 312 (the “Grantor Parcel”); and

WHEREAS: In connection with certain improvements to be made to the Grantor Parcel, pursuant to an Easement Agreement between Grantor and BP3-BOS4 250 Arsenal Place LLC Grantor has agreed to grant to the City a public pedestrian access easement shown as “Easement E-1” and “Easement E-2” on a plan entitled “101 Walnut Street at Arsenal Street, Easement Plan of Land,” dated December 22, 2021, prepared by RJ O’Connell & Associates, Inc., and a traffic signal infrastructure easement shown as “Easement E-2” on said plan, over portions of the Grantor Parcel (together the “Pedestrian/Traffic Signal Easements”); and

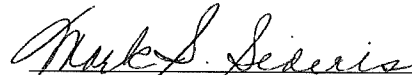
NOW THEREFORE BE IT ORDERED: That the City Council of the City of Watertown hereby accepts the Pedestrian/Traffic Signal Easements, on the terms and conditions as set forth in the Grant of Easements from the Grantor to the City of Watertown; and

AND BE IT FURTHER ORDERED: That the City Council hereby authorizes the City Manager to execute the Acceptance to the Grant of Easements conveying the Pedestrian/Traffic Signal Easements to the City of Watertown.


Council Member

I hereby certify that as a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President
5/1/10 P

GRANT OF EASEMENTS

This **GRANT OF EASEMENTS** ("Grant") is entered into as of the ____ day of _____, 2022 by and between **CARBON PROPCO 2021, LLC**, a Delaware limited liability company ("Grantor"), having a mailing address of c/o Hilco Redevelopment Partners, 111 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606, and the **CITY OF WATERTOWN**, a Massachusetts municipal association ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

Reference is made to the following facts which constitute the background to this instrument:

A. Grantor is the owner in fee simple of that certain real property known as 101 Walnut Street, situated in the City of Watertown, Middlesex County, Commonwealth of Massachusetts, and being more particularly described in a deed recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 78604, Page 312, and as further described on attached **Exhibit A** (the "Grantor Parcel").

B. Grantor has granted to BP3-BOS4 250 Arsenal Place LLC (formerly known as BP3-BOS4 85 Walnut Street LLC, a Delaware limited liability company) ("85 Walnut Owner") certain construction, maintenance, utility, roadway and pedestrian access easements to be located in, on, under and over certain portions of the Grantor Parcel, pursuant to that certain Easement Agreement by and between Grantor and 85 Walnut Owner recorded in the Registry in Book 77662, Page 322 (the "Easement Agreement").

C. In connection with certain improvements to be made to the Grantor Parcel under the Easement Agreement, Grantor has agreed to grant to the City certain traffic infrastructure and public pedestrian access easements to be located in, on, under and over certain portions of the Grantor Parcel, as more particularly as set forth below in this Grant.

NOW THEREFORE, for the sum of One (\$1.00) Dollar paid, and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Traffic Signal Equipment Easement from Grantor to the City. Grantor hereby grants to the City, in gross, subject to the terms hereof, the perpetual non-exclusive right and easement (the "Traffic Signal Equipment Easement"), in common with the Grantor, to install, use, operate, inspect, maintain, repair, and replace certain below-described traffic signal equipment and appurtenant utilities (collectively, the "Traffic Signal Equipment") within a portion of the Grantor Parcel labeled as "Easement E-2" on the plan entitled "101 Walnut Street at Arsenal Street, Easement Plan of Land," dated December 22, 2021, prepared by RJ O'Connell & Associates, Inc., a full-sized copy of which is being recorded herewith and a reduced copy of which is attached hereto as **Exhibit B** (the "Easement Plan"), such Easement E-2 consisting of approximately 499 square feet, and such Traffic Signal Equipment to consist of the following:

(a) An above-ground traffic signal cabinet to be installed and maintained in the location within Easement E-2 labeled as “Proposed Signal Cabinet” on the Easement Plan;

(b) Two traffic signal poles to be installed in the locations depicted within Easement E-2 as shown on the Easement Plan; and

(c) Underground conduits for utilities servicing or connecting to the aforementioned traffic signal cabinet and poles, such conduits to be installed within Easement E-2 in such specific locations as may be reasonably determined by the City and Grantor.

The City shall have the further right and easement to temporarily access and occupy Easement E-2 to perform maintenance and repairs to, and to otherwise access and use, the Traffic Signal Equipment from time to time.

Upon the City’s installation of such Traffic Signal Equipment, the City shall, upon the written request of Grantor, deliver to Grantor an as-built plan depicting such equipment and related site improvements.

2. Arsenal Street Pedestrian Easement from Grantor to the City and the Public.

Grantor hereby grants to the City and to the public, in gross, subject to the terms hereof, the perpetual non-exclusive right and easement (the “Sidewalk Easement”), in common with the Grantor, and all tenants, occupants and invitees of the Grantor Parcel, to use both “Easement E-1,” consisting of approximately 621 square feet, and “Easement E-2” as shown on the Easement Plan, for recreational purposes to provide pedestrian and bicycle access upon the Grantor Parcel (collectively, the “Sidewalk Easement Rights”). The Sidewalk Easement Rights shall not be deemed to include a right to park bicycles or motor vehicles, motorcycles, or other motorized or

non-motorized transportation devices within Easement E-1 or Easement E-2 or any other portion of the Grantor Property at any time. Further, neither the City nor any member of the public shall place within Easement E-1 or Easement E-2 or any other portion of the Grantor Property any improvements or obstructions, whether permanent or temporary, except those improvements permitted under this Easement Agreement.

3. City's Responsibility for Traffic Signal Equipment. The City shall be responsible for maintaining and repairing the Traffic Signal Equipment in the same manner in which the City maintains and/or maintains and/or repairs other such facilities, at the sole cost and expense of the City.

4. Grantor's Responsibilities for Pedestrian Walkways. The Grantor shall be responsible for maintaining and repairing Easement E-1 and Easement E-2 (with the exception of the Traffic Signal Equipment), in good and safe condition, including keeping them passable, and free of snow and ice. In the event Grantor fails to comply with this provision, the City shall have the right, but not the obligation, upon forty-eight (48) hours' notice to Grantor (except in the event of an emergency), which may be oral notice, to do such maintenance and/or repair, at Grantor's expense.

5. Non-Interference. The Grantor agrees not to construct, install or place any temporary or permanent buildings, structures, objects or facilities in, on, under or upon Easement E-1 or Easement E-2 that would interfere with the rights granted hereunder.

6. City's Access Rights. The City shall have the right of entry upon and passage over the areas of the Grantor Parcel immediately adjacent to Easement E-1 and Easement E-2, by foot and motor vehicle, including heavy equipment, from time to time, for access to Easement E-1 and Easement E-2, for all purposes set forth herein and uses incidental thereto, including,

without limitation, the right (subject to Section 7 below) to remove any objects, structures and vegetation from the easement areas as may be necessary or convenient to exercise the rights granted hereunder.

7. Restoration by City. The City shall exercise its rights hereunder so as not to unreasonably interfere with the Grantor's use and operation of the Grantor Parcel, to the extent practicable. Upon exercise of the rights hereunder, the City shall restore, as close as reasonably practicable, the Grantor Parcel, Easement E-1 and Easement E-2, subject to the provisions of Paragraph 6 hereof.

8. Reserved Rights. Grantor, and all those claiming by, through or under Grantor, reserves the right to continue to use the Grantor Parcel, including Easement E-1 and Easement E-2, in a manner that does not unreasonably interfere with the easement rights granted hereunder, including, without limitation: (a) to erect, within and along Easement E-1 and Easement E-2, such fences, vegetated buffers, or other measures it deems reasonably necessary or appropriate; (b) to install and maintain landscaping within and along Easement E-1 and Easement E-2; (c) to establish such driveways, roads, paths or other traveled ways within the Grantor Parcel (including Easement E-1 and Easement E-2) that do not unreasonably interfere with the exercise of the easement rights granted hereunder; (d) to install, use, maintain, repair and/or replace subsurface and above-ground utilities and related equipment and appurtenances within and along Easement E-1 and Easement E-2, provided the same do not unreasonably interfere with the exercise of the easement rights granted hereunder; and (e) to use, or to grant to others the right to use, Easement E-1 and Easement E-2 for any and all purposes, provided only that such use shall not unreasonably interfere with the exercise of the easement rights granted hereunder.

9. Release. Grantor, and all those claiming by, through or under Grantor, shall be afforded all of the rights, protections, privileges and benefits granted under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections) and as such, Grantor, and all those claiming by, through or under Grantor, shall not be liable for personal injuries or property damage sustained by members of the public in connection with the rights granted hereunder including, without limitation, a minor or any other person on Easement E-1 or Easement E-2.

10. Bind and Inure. The rights created hereby shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns, including, in the case of the City, the public; provided, however, that the Grantor shall only be responsible hereunder for matters occurring and claims arising during its period of ownership of the Grantor Parcel. No partner, member, shareholder, trustee, beneficiary, director, officer, manager, or employee of Grantor, or any partner of Grantor, or any affiliate of Grantor, shall have any personal liability under this Grant. In addition, no party to this Grant shall have personal liability under this Grant. In the event any person obtains a judgment against Grantor in connection with this Grant, such person's sole recourse shall be to the estate and interest of Grantor in and to the Grantor Parcel. Under no circumstances shall either party have the right to any indirect, consequential or punitive damages, or any damages relating to lost profits or lost opportunities with respect to any default by the other party hereto.

11. Notice. Any notice hereunder shall be given in writing to the party for whom it is intended, in person, by certified mail-return receipt requested, or by a recognized expedited overnight delivery service, at the following address, or such future address as may be designated by notice in writing:

If to Grantor, addressed to:
c/o Hilco Redevelopment Partners
111 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
Attn: General Counsel

If to the City, addressed to:
City of Watertown
149 Main Street
Watertown, MA 02472
Attention: City Manager

12. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants and easements to the extent in force and applicable, except for monetary encumbrances, if any, for which the City would require a release or subordination. Wells Fargo Bank, National Association, being the sole mortgagee of the Grantor Property, is signing below for the purpose of subordinating its interest in the Grantor Property to the rights and easements granted to the City hereunder.

13. Governing Law. This Grant shall be governed by the laws of the Commonwealth of Massachusetts, as the same may now exist or as may be hereinafter enacted. If any provision of this Grant, or portions thereof, or the application thereof to any person or circumstance shall, to any extent, be found to be invalid or unenforceable, the remainder of this Grant, or the application of such provision, or portion thereof, to any other person or circumstances shall not be affected thereby, and such provision of this Grant shall be valid and enforceable to the fullest extent permitted by law.

14. Relocation. Grantor may relocate any easements granted herein with the written consent of the City, which consent shall not be unreasonably withheld, and provided that: any such relocation shall be undertaken in such a manner so as to minimize any disruption of the use of the City and the public of the easement for the purpose for which it was granted; and, to the

extent any pipe, line or other improvement located within an easement is, as part of such relocation, placed outside of the easement area in question, prior to effecting such relocation, the Grantor shall cause to be granted to the City easement rights consistent with the grant made in this section. Upon completion of any such relocation and the recording of a plan showing the same, the abandoned easement area shall automatically be released from its former location and shall attach to its new location. Grantor shall pay any and all costs and expenses associated with such relocation.

15. Counterparts. This Grant may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument. Several copies of this Grant may be executed and each shall be deemed an original.

[Signatures on the Following Pages]

EXECUTED as a sealed instrument as of the day and year first above written.

GRANTOR:

CARBON PROPCO 2021, LLC, a Delaware
limited liability company

By: _____

Name:

Title:

COMMONWEALTH/STATE OF _____

County: _____ ss.

On this _____ day of _____, 2022 before me, the undersigned notary public, personally appeared _____, in his/her capacity as _____ of Carbon Propco 2021, LLC, a Delaware limited liability company, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose in such capacity, as the voluntary act of said limited liability company.

Notary Public

My Commission Expires:

[AFFIX SEAL]

ACCEPTANCE OF GRANT OF EASEMENT

On this ____ day of _____, 2022, the City of Watertown, acting by and through its Acting City Manager pursuant to the vote taken by the City Council on _____, 2022, a certified copy of which is attached hereto as Exhibit C, hereby accepts the foregoing Grant of Easements granted to the City by Grantor.

CITY:

CITY OF WATERTOWN

Name: Thomas J. Tracy
Title: Acting City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

Name: Katharine Lord Klein
Title: City Attorney

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Thomas J. Tracy, the Acting City Manager of the City of Watertown, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR PARCEL

PARCEL 1:

LOT 1:

BEGINNING AT A POINT IN THE SOUTHERLY SIDELINE OF WALNUT STREET, WATERTOWN, MIDDLESEX COUNTY (SOUTHERN DISTRICT), MASSACHUSETTS, SAID POINT BEING AT THE NORTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED AND BEING THE POINT OF BEGINNING, AND ON THE BOUNDARY LINE OF LAND NOW OR FORMERLY OF DOBLE ENGINEERING CO.

THENCE SOUTH 39 DEGREES, 51 MINUTES, 25 SECONDS EAST A DISTANCE OF 1.36 FEET TO A STONE BOUND SET IN THE SOUTHERLY SIDELINE OF WALNUT STREET;

THENCE SOUTHEASTERLY AND CURVING TO THE LEFT HAVING A RADIUS OF 303.32 FEET, A CHORD LENGTH OF 40.10 FEET AND A CHORD BEARING OF SOUTH 07 DEGREES, 34 MINUTES, 30 SECONDS, A DISTANCE OF 22.57 FEET TO A POINT IN THE SOUTHERLY SIDELINE OF SAID WALNUT STREET AND AT THE BOUNDARY LINE OF LAND NOW OR FORMERLY OF HERBERT I. KAVET, ET AL., TRUSTEES;

THENCE 40 DEGREES, 41 MINUTES, 11 SECONDS WEST A DISTANCE OF 101.81 FEET TO A POINT; THENCE SOUTH 31 DEGREES, 36 MINUTES, 48 SECONDS WEST A DISTANCE OF 70.51 FEET TO A POINT;

THENCE SOUTH 82 DEGREES, 09 MINUTES, 26 SECONDS EAST A DISTANCE OF 182.00 FEET TO A POINT; THENCE NORTH 07 DEGREES, 50 MINUTES, 34 SECONDS EAST A DISTANCE OF 13.00 FEET TO A POINT;

THENCE NORTH 24 DEGREES, 55 MINUTES, 11 SECONDS EAST A DISTANCE OF 15.53 FEET TO A POINT; THENCE NORTH 42 DEGREES, 29 MINUTES, 04 SECONDS EAST A DISTANCE OF 41.49 FEET TO A POINT IN THE SOUTHERLY SIDELINE OF WALNUT STREET;

THENCE SOUTH 47 DEGREES, 25 MINUTES, 55 SECONDS EAST A DISTANCE OF 109.68 FEET TO A POINT IN THE SOUTHERLY SIDELINE OF SAID WALNUT STREET;

THENCE SOUTH 07 DEGREES, 50 MINUTES, 34 SECONDS WEST A DISTANCE OF 461.91 FEET TO A POINT; THENCE NORTH 82 DEGREES, 09 MINUTES, 26 SECONDS WEST A DISTANCE OF 340.25 FEET TO A CONCRETE BOUND;

THENCE NORTH 07 DEGREES, 50 MINUTES, 34 SECONDS EAST A DISTANCE OF 475.58 FEET TO A STONE BOUND; THENCE NORTH 42 DEGREES, 29 MINUTES, 04 SECONDS EAST A DISTANCE OF 185.40 FEET TO THE POINT OF BEGINNING.

LOT 2:

BEGINNING AT A POINT AT THE SOUTHWEST CORNER OF LOT 1 AND ON THE WESTERLY BOUNDARY OF LAND NOW OR FORMERLY OF HERBERT I. KAVET AND PAUL DEBOER, TRUSTEES, AND BEING THE NORTHEASTERLY CORNER OF THE PARCEL HEREIN

DESCRIBED AND THE POINT OF BEGINNING; THENCE SOUTH 07 DEGREES, 50 MINUTES, 34 SECONDS WEST A DISTANCE OF 70.00 FEET, BY LAND NOW OR FORMERLY OF KAVET AND DEBOER, AND BOSTON AND MAINE RAILROAD, TO A POINT; THENCE NORTH 82 DEGREES, 09 MINUTES, 26 SECONDS WEST A DISTANCE OF 290.25 FEET TO A POINT; THENCE NORTH 07 DEGREES, 50 MINUTES, 34 SECONDS EAST A DISTANCE OF 70.00 FEET, THE PREVIOUS TWO COURSES BY LAND NOW OR FORMERLY OF BOSTON AND MAINE RAILROAD, TO A POINT; THENCE SOUTH 82 DEGREES, 09 MINUTES, 26 SECONDS EAST A DISTANCE OF 290.25 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED ALONG THE NORTHERLY SIDELINE OF ARSENAL STREET IN THE CITY OF WATERTOWN, COUNTY OF MIDDLESEX (SOUTH), COMMONWEALTH OF MASSACHUSETTS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF SAID PARCEL OR NORTHERLY SIDELINE OF ARSENAL STREET APPROXIMATELY 1,100 FEET WEST FROM THE WESTERLY SIDELINE OF SCHOOL STREET;

THENCE N 82 DEGREES 57 MINUTES 20 SECONDS W A DISTANCE OF TWO HUNDRED THREE AND FIFTEEN HUNDREDTHS FEET (203.15') TO A POINT;

THENCE N 07 DEGREES 50 MINUTES 34 SECONDS E A DISTANCE OF THIRTY-THREE AND TWELVE HUNDREDTHS FEET (33.12') TO A POINT;

THENCE N 82 DEGREES 59 MINUTES 32 SECONDS W A DISTANCE OF ONE HUNDRED TWENTY AND NO HUNDREDTHS FEET (120.00') TO A POINT;

THENCE N 07 DEGREES 49 MINUTES 08 SECONDS E A DISTANCE OF FIFTY-FIVE AND EIGHTY-SEVEN HUNDREDTHS FEET (55.87') TO A POINT;

THENCE S 82 DEGREES 09 MINUTES 26 SECONDS E A DISTANCE OF FORTY-EIGHT AND EIGHT HUNDREDTHS FEET (48.08') TO A POINT;

THENCE N 07 DEGREES 50 MINUTES 34 SECONDS E A DISTANCE OF FOUR AND SEVENTY-ONE HUNDREDTHS FEET (4.71') TO A POINT;

THENCE S 82 DEGREES 09 MINUTES 26 SECONDS E A DISTANCE OF THREE HUNDRED THREE AND TWENTY-FOUR HUNDREDTHS FEET (303.24') TO A POINT;

THENCE S 49 DEGREES 49 MINUTES 48 SECONDS W A DISTANCE OF THIRTEEN AND FORTY-FIVE HUNDREDTHS FEET (13.45') TO A POINT;

THENCE N 82 DEGREES 09 MINUTES 26 SECONDS W A DISTANCE OF FOUR AND NO HUNDREDTHS FEET (4.00') TO A POINT;

THENCE S 07 DEGREES 50 MINUTES 34 SECONDS W A DISTANCE OF TWENTY-SIX AND FORTY HUNDREDTHS FEET (26.40') TO A POINT;

THENCE N 82 DEGREES 10 MINUTES 12 SECONDS FIFTEEN AND TWENTY-FOUR HUNDREDTHS FEET (15.24') TO A POINT;

THENCE S 07 DEGREES 47 MINUTES 46 SECONDS W A DISTANCE OF FIFTY-TWO AND SEVENTY-ONE HUNDREDTHS FEET (52.71') TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL 2 IS IN WATERTOWN, MIDDLESEX COUNTY, MASSACHUSETTS AND IS THE SAME PROPERTY SHOWN AS **LOT 1** ON THE PLAN RECORDED WITH THE MIDDLESEX SOUTH REGISTRY OF DEEDS DATED SEPTEMBER 2, 1999 DRAWN BY VANASSE HANGEN BRUSTLIN, INC., PROFESSIONAL LAND SURVEYORS, AS PLAN #1361 OF 1999 AND RECORDED IN DEEDS RECORD BOOK 30930, PAGE 274.

EXHIBIT B

PLAN OF EASEMENTS

EXHIBIT C

CITY COUNCIL VOTE

CONSENT AND SUBORDINATION TO EASEMENT

The undersigned, in connection with that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of August 31, 2021, made by CARBON PROPCO 2021, LLC, a Delaware limited liability company, as mortgagor ("Grantor"), to WELLS FARGO BANK, NATIONAL ASSOCIATION, as administrative agent for the benefit of the Lenders (as defined in said Mortgage), as mortgagee ("Mortgagee"), recorded with the Middlesex South District Registry of Deeds in Book 78604, Page 324, encumbering the real estate and the improvements thereon commonly known as 101 Walnut Street, Watertown, Massachusetts, as more particularly described in said Mortgage ("Grantor's Property"), hereby acknowledges that it has received a copy of the foregoing Grant of Easements (the "Easement Agreement") between Grantor and the City of Watertown, and hereby consents to said Easement Agreement. Mortgagee hereby unconditionally and irrevocably subordinates all of its interest, now or hereafter arising, in Grantor's Property to the Easement Agreement; this consent and subordination shall be binding on Mortgagee and its successors and assigns.

Executed this ____ day of _____, 2022.

WELLS FARGO BANK, NATIONAL
ASSOCIATION

By: _____
Name: _____
Title: _____

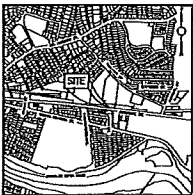
COMMONWEALTH/STATE OF _____

County of _____, ss.

On this ____ day of _____, 2022 before me, the undersigned notary public, personally appeared _____, in his/her capacity as _____ of Wells Fargo Bank, National Association, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose in such capacity, as the voluntary act of Wells Fargo Bank, National Association.

Notary Public
My Commission Expires:

[AFFIX SEAL]

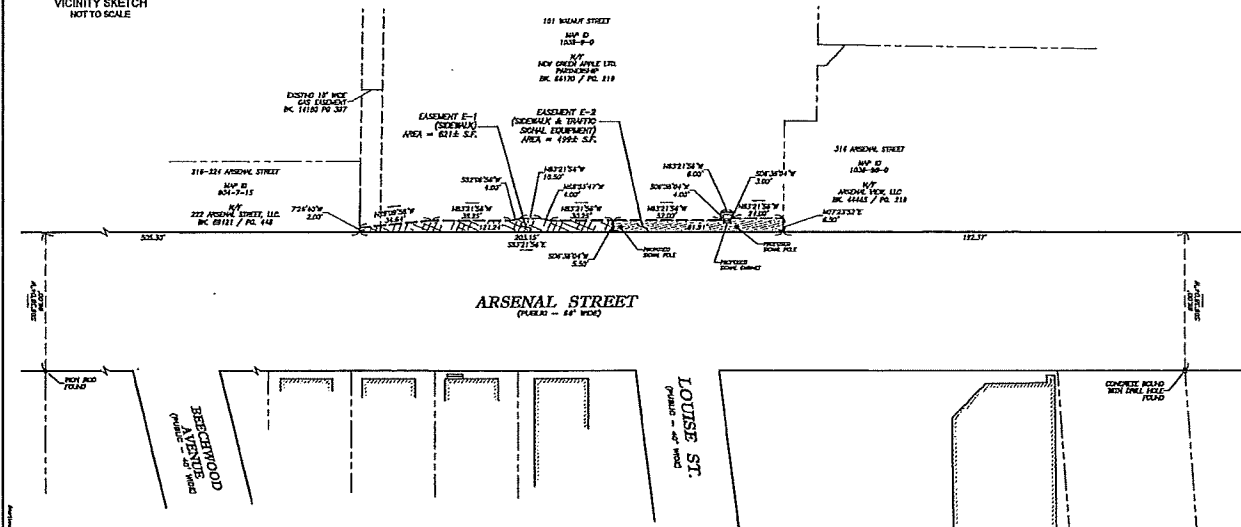


VICINITY SKETCH
NOT TO SCALE

LEGEND
— RIGHT OF WAY LINE
--- ADJACENT PROPERTY LINE
- - - EASEMENT LINE



FOR RECORD USE ONLY



ARSENAL STREET
(66' wide)

LOUISE ST.
(40' wide)

NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT TWO NEW EASEMENTS ON LAND LOCATED AT 101 WALNUT STREET IN WATERTOWN, MA.
2. THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER THE SUPERVISION OF THE ENGINEER AND ENGINEERED BY A J. DODGE & ASSOCIATES (P.L.C.).
3. NO NEW RIGHT OF WAY LINES ARE SHOWN ON THIS PLAN AND THAT THE BOUNDARIES OF THE LOTS SHOWN ARE AS SHOWN AND ARE NOT TO BE CHANGED, ALTERED IN ANY MANNER BY THIS PLAN.

(THEORY OF CONVEYANCE)

THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERED OFFICE OF THE COMMONWEALTH OF MASSACHUSETTS. THE INFORMATION IS CONTAINED ON THIS PLAN IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF.

[Signature]
DATE: 10/1/04
BY: [Signature]
REGISTERED PROFESSIONAL ENGINEER
MASSACHUSETTS REG. NO. 10104



RJOC

LOCATION
PARCEL NO. 1003 10
101 WALNUT STREET
WATERTOWN, MA

PROJECT OWNER
NEW GREEN APPLE LTD.
PARTNERSHIP
125 HIGH STREET, 11th FLOOR
BOSTON, MA 02110
TEL: 617/770-0110

PREPARED BY
RJOC/CONNELL
ASSOCIATES, INC.
CIVIL ENGINEERING, SURVEYING & LAND PLANNING
100 HIGHLAND AVENUE, SUITE 201, STONINGTON, CT 06424
TEL: 860/349-1111 RJOC@CONNELL.COM

APPLICANT
BP3-BOS4 65 Walnut Street LLC
4300 La Jolla Village Drive, Suite 230
San Diego, CA

PROJECT NAME
101 WALNUT STREET
AT ARSENAL STREET
WATERTOWN, MA

DRAWN BY: [Signature] 10/1/04
CHECKED BY: [Signature] 10/1/04
SCALE: 1" = 30'
DATE: 10/1/04
PROJECT NO.: 1003 10
SHEET NO.: 21004

EASEMENT PLAN
OF LAND

DESIGNED BY: [Signature] ES1
PROJECT NUMBER: 21004
Copyright © 2004 by R.J. O'Connell & Associates, Inc.



Watertown City Council

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

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
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John M. Airasian,
Councilor At Large

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Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

Report of the Committee on Economic Development and Planning Meeting Date: March 10, 2022

The Committee convened on Thursday March 10, 2022 at 6:15 pm in the City Council Office. Present were Lisa Feltner, chair; John Gannon, vice chair; and Vincent Piccirilli, secretary. The purpose of the meeting was to conduct interviews for the Zoning Board of Appeals.

Gregory Girard is seeking appointment to the ZBA as an Alternate Member. He has a Master's degree in urban planning, and has recently retired as a management consultant and industry analyst, all of which, he feels, could be put to good use on the ZBA. While only moving to Watertown eight years ago, he loves living here and is excited to have the time to give back to his community. He is also passionate about history, and has traced back one of his ancestors as one of the founding families who settled in Watertown in 1630.

➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council confirm Gregory Girard for appointment to the Zoning Board of Appeals as an Alternate Member for a term to expire February 15, 2024. Voted 3-0.

Michael Brangwynne has been serving on the ZBA since 2018 as an Alternate Member, and is seeking appointment as a Full Member to fill the expired term of Kelly Donato, who has stepped down. He is a lawyer at the firm of Fletcher Tilton P.C. specializing in complex civil litigation. With his experience in law and interpreting the zoning ordinance, he feels his skills complement those of his fellow architects and planners on the Board, as they strive to make good decisions on projects in Watertown. He always focuses on how projects fit into the neighborhood, and sensitivity to concerns of the neighbors.

➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council confirm Michael Brangwynne for appointment to the Zoning Board of Appeals as a Full Member for a term to expire February 15, 2026. Voted 3-0.

The meeting adjourned at 7:08 pm.

Report prepared by Vincent Piccirilli



Watertown City 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 &
District C Councilor

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

RESOLUTION #22

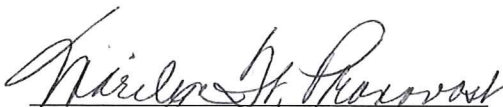
2022 – R – 22

RESOLUTION CONFIRMING THE APPOINTMENT OF GREGORY GIRARD AS AN ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS

BE IT RESOLVED: That pursuant to the provisions of the Watertown Home Rule Charter, the City Council of the City of Watertown hereby confirms the appointment of Gerald Girard as an Alternate Member of the Zoning Board of Appeals for a term to expire on February 15, 2024.


Nicole Hardree
Council Member

I hereby certify that as a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President



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Vice President &
District C Councilor

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

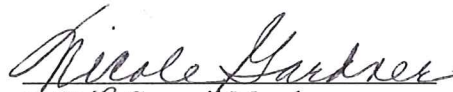
Emily Izzo,
District D Councilor

RESOLUTION #23

2022 – R – 23

RESOLUTION CONFIRMING THE APPOINTMENT OF MICHAEL BRANGWYNNE AS A FULL MEMBER OF THE ZONING BOARD OF APPEALS

BE IT RESOLVED: That pursuant to the provisions of the Watertown Home Rule Charter, the City Council of the City of Watertown hereby confirms the appointment of Michael Brangwynne as a Full Member of the Zoning Board of Appeals for a term to expire on February 15, 2026.


S./HWP Council Member

I hereby certify that as a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President
S./HWP



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Vice President &
District C Councilor

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Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

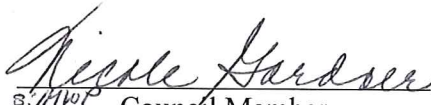
Emily Izzo,
District D Councilor

RESOLUTION #24

2022 – R – 24

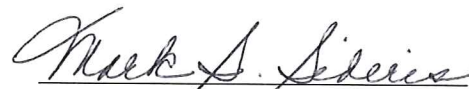
RESOLUTION CONFIRMING THE APPOINTMENT OF DARYA MATTES TO THE CONSERVATION COMMISSION

BE IT RESOLVED: That pursuant to the provisions of the Watertown Home Rule Charter, the City Council of the City of Watertown hereby confirms the appointment of Darya Mattes to the Conservation Commission for a term to expire on February 15, 2024.


Nicole Gardner
Council Member

I hereby certify that as a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 9 for, 0 against, and 0 present on March 22, 2022


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President