



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

CITY COUNCIL MEETING

TUESDAY, JUNE 13, 2023, 7:00 P.M.

RICHARD E. MASTRANGELO COUNCIL CHAMBER

ADMINISTRATION BUILDING, 149 MAIN STREET

MINUTES

ACCESS INFORMATION:

A. This meeting will be held on June 13, 2023 at 7:00 PM in the Richard E. Mastrangelo Council Chamber

B. The meeting will be televised through WCATV (Watertown Cable Access Television):

<http://vodwcatv.org/CablecastPublicSite/?channel=3>

C. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/92991331344>

D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344

E. Public may comment through email: vpiccirilli@watertown-ma.gov

F. Please Visit the City Council Website here: <https://www.watertown-ma.gov/350/City-Council>

1. ROLL CALL

Council President Sideris called to order a regular meeting of the City Council at 7:00 p.m. in the Richard E. Mastrangelo Chamber, Administration Building. Those present were Councilors John M. Airasian, Caroline Bays, John G. Gannon, Nicole Gardner, Lisa J. Feltner, Emily Izzo, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., and Council President Mark S. Sideris. Also present were George Proakis, City Manager, Mark Reich, City Attorney, and Brendan T. McCarthy, Council Clerk.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM

Linda Scott - 55 Olcott – Stated that her car had recently been damaged by rats eating the wires of the vehicle. She is happy that the Health Department is getting a Rat Control

Officer. Linda raised concern with the health department's budget – not seeing any money allocated to bio safety measures. She has continued to bring the issue up but has not received a firm answer. She questioned why Watertown seems firm in capping labs at BSL2 level. She stated that Waltham has a BSL3 Level Lab that is not located in a residential area. She went on to explain how labs have errors in categories such as rule base, skill base, and knowledge base, and that Cambridge does an excellent job in training in BSL3 and BSL4 labs while encouraging honesty when potentially dangerous accidents happen. She concluded that Watertown's cap at BSL2 labs may lead to more accidents.

Cedar Pruitt - Stated how she has admired the Charles River and has seen it as a great resource for the City of Watertown, she realized her dream of living along it when she and her husband purchased a home behind Russo's (now no longer in business). She went on to explain that in the last two years there has been a very large increase in industrial noise including an ever-present buzz and incessant drones that are above acceptable decibel levels. This has taken over the natural landscape. She continued to say that constant industrial noises can lead to health issues and suggested that the city look into products like acoustic curtains to dampen the sounds of building's utilities. She concluded that she wanted to work with the city to help protect the vital natural resource that is the Charles River.

Joan Gumbleton – 32 Falmouth Rd – Joan opened with remarking that she saw a street cleaning vehicle for the first time in a while, and raised concerned about the lack of scheduled street cleanings which leads to inefficiencies due to parked cars. She asked if a schedule, like other surrounding communities, would be possible.

4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS

A. Minutes from City Council Meeting May 9, 2023

B. Minutes from City Council Meeting May 23, 2023

Councilor Piccirilli moved to accept the minutes from May 9, 2023 and May 23 2023 with the provision that minor edits will be made. Councilor Gannon seconded.

The minutes for the previous meetings were accepted unanimously in a Voice Vote.

5. PRESIDENT'S REPORT

President Sideris remarked that he did not want to add any report in favor of giving time to address the budget.

6. PRESENTATION OF PETITIONS, PROCLAMATIONS, AND SIMILAR PAPERS AND MATTERS

A. Juneteenth Proclamation – 2023

President Sideris read the Proclamation – he acknowledged a small typo that would be revised (“City known as the Town of Watertown” to “City of Watertown”)

Councilor Piccirilli moved to accept the Proclamation and Councilor Gardner seconded.

The Proclamation was accepted unanimously in a Voice Vote.

B. To assign the name of Technology Way to a new private way between Galen St and the lower portion of Water Street, located across from Aldrich Road.

President Sideris tabled this item to the next meeting.

7. PUBLIC HEARINGS

A. Public Hearing and Vote on a Petition from Eversource for a Grant of Location in Waltham St to install and maintain approximately 7 linear feet of conduit from utility pole 139/29 to the property line of #249 Waltham Street. This work is necessary to provide electric service to #249 Waltham Street. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

Jacqueline Duffy from Eversource presented the petition for the Grant of Location.

President Sideris opened the public hearing for questions or concerns.

There being none, President Sideris closed the public hearing, and asked for a motion from the council.

Councilor Piccirilli moved to approve the Grant of Location and Councilor Feltner seconded.

The Grant of Location was approved unanimously in a Voice Vote.

B. Public Hearing and Vote on Proposed City Auditor's Salary

President Sideris Tabled this Item.

President Sideris moved up several Items due to scheduling purposes.

9. MOTIONS ORDINANCES, ORDERS, AND RESOLUTIONS

A. First Reading on a Proposed Order Establishing Water and Sewer Rates and Charges for Fiscal Year 2024

City Manager Proakis presented the First Reading of the Water and Sewer Rates and Charges for Fiscal Year 2024. He marked the increases, noting that the increases are less than what was projected, but said that he would like to go into more detail on the following meeting.

B. Consideration and approval of exemptions of interests of existing City employees in

contracts with the City including summer, winter, holiday, and after school program employment positions in response to disclosures filed with the City Clerk by prospective employees and certification by the Recreation Director that no employee of that Department is available to perform those services as part of their regular duties, in accordance with G.L. c. 268A, sec. 20(b) – Recreation Department: Furtado, Eric and McDermott, Nicholas.

City Manager Proakis explained that ethics exemption requests are needed when city employees (typically those in the School Department) accept additional city employment (typically in the Recreation Department). He cited the same process that happened in the previous meeting.

Councilor Piccirilli moved to approve the exemption of interest and Councilor Feltner seconded.

Councilor Feltner asked for an overview or example of this exemption.

City Manager Proakis explained that many times the Recreation Department has positions that are filled/overlapped with members of the School Department due to advantageous availability. He cited certain positions like after school and summer employment.

The exemptions of interest were approved unanimously in a Voice Vote.

F. An Extension Authorizing a Five-Year Contract with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere

President Sideris Clarified that what was in front of the Council was not to approve a contract, but to allow the City Manager the ability to enter into a 5 year contract as any contract over 3 years needs City Council approval.

City Manager Proakis presented the request. He stated that Watertown works with a solid waste and recycling committee to help advise, and that they are looking to continue to add services like expanding compost service. He also mentioned that rates across the board are going higher.

Councilor Piccirilli moved to authorize the ability to enter into a 5 year contract with Allied Waste Services and Councilor Feltner seconded.

Discussion ensued.

Councilor Palomba asked for clarification on the estimated cost.

Superintendent St. Louis clarified the difference between the contract to receive and transport trash to the contract to incinerate and dispose of the waste. He recalled that what used to happen is that the recycling was included in overall hauling tonnage but is now a pass through cost. Because of that shift, the rates have gone up.

Councilor Palomba asked if the contract covers pick up and delivery of solid waste and recycling and their delivery to respective processing locations.

Superintendent St. Louis confirmed that.

Councilor Palomba asked for clarification on the 425 dollars per haul figure.

Superintendent St. Louis explained that certain items like bulk and metal is now delivered to a different location from the Recycling Center.

Councilor Palomba asked if it was correct that the hauls are not included in the greater figure on the contract.

Superintendent St. Louis confirmed that. He stated that it's establishing a rate.

Councilor Palomba asked if it will be difficult to predict how many hauls there will be per year.

Superintendent St. Louis stated that they can estimate using numbers from previous years but admitted that overall numbers do vary.

Councilor Bays remarked about currently being in an inflation spike and asked how the rates varied per year between a 3 and 5 year contract.

Superintendent St. Louis stated a \$30 – \$50 thousand difference in a year one cost, and that every year there would be calculated rate based on the CPI index.

Councilor Feltner asked about the days and hours of operation for the recycling center – whether they were set in stone, or if they could be amended for more access.

Superintendent St. Louis remarked that they added an additional day last year. He went on to talk about different options that they could adopt at the recycling center including being open more, and potentially being more self-sufficient.

Councilor Feltner asked about oversight and accountability for the contracted services on the site.

Superintendent St. Louis stated that they check on all their contractors regularly. He went on to say that it would be disadvantageous for Republic to be negligent.

Councilor Feltner noted that the ladder on the site that they ask individuals to climb and haul recyclables is very precarious, and that she has sincere safety concerns.

Superintendent St. Louis said that they are in the process of purchasing a new ladder.

Councilor Gannon asked for a summary of how the city is doing with diversion of solid waste. He asked for percentages amount of solid waste vs. recyclables.

Superintendent St. Louis said that it was a moving target and that it needs to be tracked over a longer period of time. He marked that the 2030 goal doesn't take into account population growth, but they are making an effort to tighten the program. The average total amount is about 20 lbs per home per week, but they will have a better understanding of the numbers in regard to the 2030 goal when more houses are developed.

The authorization to approve a five-year contract with Republic was approved unanimously in a Voice Vote.

10. REPORTS OF COMMITTEES

A. Committee on Human Services Regarding the minutes from The Committee on Human Services meetings on December 15, 2022; January 31, 2023; March 23, 2023 - Anthony Palomba, Chair

Councilor Palomba presented the report.

Councilor Piccirilli moved to accept the reports with the provision of a small edit and the addition of missing attachments. Councilor Gannon seconded.

Councilor Feltner noted another revision to be made to the minutes, and she also remarked that there were several members of the public that complained about their waste receptacles being damaged by rats who were not addressed.

The reports were accepted unanimously in a Voice Vote.

B. Committee on Rules and Ordinances Regarding Discussion on Adoption of Human Rights Commission Ordinance -John Gannon, Chair

ACTION ITEM:

Recommend City Council Request the City Attorney Review the Draft Ordinance, and then Schedule a First Reading on the Proposed Human Rights Commission Ordinance for Adoption.

Councilor Gannon presented the reports.

Councilor Piccirilli moved to accept the meeting minutes and Councilor Feltner seconded.

The meeting minutes were accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to approve the action item for the City Council to request the City Attorney to review the draft ordinance for consideration by the City Council. Councilor Feltner seconded.

That Action Item was approved unanimously in a Voice Vote.

Councilor Gannon thanked everyone involved with this process.

8. COMMITTEE OF THE WHOLE

A. Amendment to Fiscal Year 2024 - increases to revenue and expenditure lines.

City Manager Proakis explained that the reason for the amendment was due to a current lawsuit with a city employee that has gone to court and has had a ruling. While the city could appeal it, City Manager Proakis believes it's in the best interest of the city to resolve this and sign an agreement to pay the judgment. He went on to explain that a large chunk

of the ruling will be covered by insurance, but the proposed amendment will cover the difference and close the book on the issue.

Councilor Piccirilli moved to approve the amendment and Councilor Feltner seconded.

The amendment was approved unanimously in a Voice Vote.

B. Public Hearing and Vote on the Fiscal Year 2024 Budget and Related Matters

President Sideris made an opening statement regarding the process of presenting the budget, rules for public hearing, and the City Council's limitations in altering the budget.

President Sideris opened the public hearing.

There being no participants, President Sideris closed the public hearing.

City Auditor Langan presented the Fiscal Year 2024 Budget.

President Sideris thanked the new City Auditor Langan, City Manager Proakis, and former City Auditor Tracy for working together to accomplish created this year's budget.

Councilor Piccirilli made a motion of reconsideration of the budget and Councilor Bays seconded.

The motion for reconsideration of the budget failed unanimously in a Roll Call Vote.

Councilor Piccirilli clarified that the result means the FY24 budget passed.

9. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS

C. Resolution Approving the Fiscal Year 2024 Retiree Health Insurance Appropriation and Authorization of Expenditures from the OPEB Trust Fund

City Auditor Langan presented the Resolution. She mentioned that this process will need to be updated and voted on every year.

Councilor Piccirilli moved to approve the Resolution and Councilor Gannon seconded.

The Resolution was approved unanimously in a Roll Call Vote.

D. Resolution Establishing Fiscal Year 2024 Expenditure Limits for Revolving Funds

City Auditor Langan presented the Resolution.

Councilor Piccirilli moved to approve the Resolution and Councilor Gannon seconded.

The Resolution was approved unanimously in a Roll Call Vote.

E. Motion to Appropriate the Community Preservation Act (CPA) Funds for Fiscal Year 2024

City Auditor Langan presented the Community Preservation Ave Funds for Fiscal Year 2024. She went on to remind the City Council before any project can be approved for funding by the CPC, the City Council will need to approve it.

Councilor Piccirilli moved to adopt the CPA funds for FY24 as recommended by the CPC. Councilor Feltner seconded.

The motion to adopt the CPA funds for FY24 as recommended by the CPC passed unanimously in a Roll Call Vote.

11. NEW BUSINESS

There was no new business.

12. COMMUNICATIONS FROM THE CITY MANAGER

A. Request for Confirmation of appointment to the Board of Election Commissioners

City Manager Proakis presented a request to appoint Marjorie Apfelbaum to the board of Election Commissioners. He noted that the Election Commission positions are appointed from the Democratic and Republican committees, and in this instance they sent three candidates to the Resident Advisory Committee, that then recommended two candidates to the City Manager's Office, and he then concluded with Marjorie as his recommendation.

City Manager Proakis went on to make note that this was his first year in office, and thanked all parties involved in the budget process. He also noted that he will be presented an updated City Org Chat next meeting along with various other items. He reminded the Council and public of the hours of operations for the administration building in the coming weeks and announced the opening of the Farmer's Market as well as the Saltonstall Park Concert Series.

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

Councilor Feltner requested information of the new 100 Forge Tower lighting policy. She noted that the lights have been staying on all night and thought that was in violation.

14. ANNOUNCEMENTS

Councilor Gardner invited the public to attend the Juneteenth celebrations on June 17th at the Public Library and June 18th in Belmont.

Councilor Gannon announced the final tour of the Watertown High School before

demolition begins. He also announced a scholar dinner for Lt. Paul J Sullivan Scholarship Committee at the Sons of Italy

Councilor Bays announced that on June 17th there will be a “Touch a Truck” event at the DPW.

15. PUBLIC FORUM

Tiffany York – 114 Riverside St – Thanked the Council for the Juneteenth Proclamation with special thanks to Councilor Gardner for her work. She mentioned that the Proclamation was quite revised from what they submitted. She went on to make known that the Watertown Community for Black Lives is a community organization that is responsible for being a resource with stories of black history and culture, but also a resource for awareness of the impact of racism in Watertown’s past and present. She went on the invite all to the Juneteenth Celebration. She made note that the annual “Touch a Truck” event fell on the same date and will continue to request that the date be moved in the future so that there is no scheduling conflict with Juneteenth. She concluded with asking the Council to consider eBooks in place of standard textbooks for budgetary purposes in the hopes to potentially help fund the Human Rights Commission.

16. RECESS OR ADJOURNMENT

Councilor Piccirilli made a motion to adjourn, and Councilor Feltner seconded.

The motion was adopted unanimously in a Voice Vote.

The meeting adjourned at 8:57 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 ___ for, ___ against, ___ present on July , 2023.

Mark S. Sideris, Council President
s:/BTM

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor

City Council Meeting
Tuesday, June 13, 2023 at 7:00 PM
Richard E. Mastrangelo Council Chamber
Administration Building, 149 Main Street
List of Documents

1. Minutes from City Council Meeting May 9, 2023 - Item 4A
2. Minutes from City Council Meeting May 23, 2023 - Item 4B
3. Juneteenth Proclamation – Item 6A
4. A petition from Eversource for a Grant of Location in Waltham St in install and maintain 7 linear feet of conduit from utility pole 139/29 to the property line of #249 Waltham Street - Item 7A
5. Amendment to the Fiscal Year 2024 Budget from the City Manager – Item 8A
6. Fiscal Year 2024 Budget Line Items – Item 8B
7. Agenda Item – First Reading on proposed order establishing water and sewer rates and charges for Fiscal Year 2024 – Item 9A
8. Agenda Item – Memo from City Auditor to approve the Fiscal Year 2024 Retiree Health Insurance appropriation and authorization of expenditure from the OPEB Trust Fund – Item 9C
9. Agenda Item – Memo and spreadsheets regarding a Resolution establishing Fiscal Year 2024 expenditure limits for revolving funds – Item 9D
10. Agenda Item – Memo from City Auditor for CPA funds Fiscal Year 2024 – Item 9E
11. Agenda Item – Extension authorizing a five year contract with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere – Item 9F
12. Report from the Committee on Human Services meetings on December 15, 2022; January 31, 2023; March 23, 2023 – 10A
13. Report from the Committee on Rules and Ordinances – 10B

ADDENDUM TO THE
MINUTES OF THE JUNE 13, 2023
CITY COUNCIL MEETING



Watertown City Council

City Council Meeting
Tuesday, June 13, 2023 at 7:00 PM
Richard E. Mastrangelo Council Chamber

Agenda

ACCESS INFORMATION:

- A. This meeting will be held on June 13, 2023 at 7:00 PM in the Richard E. Mastrangelo Council Chamber
- B. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
- C. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/92991331344>
- D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344
- E. Public may comment through email: vpiccirilli@watertown-ma.gov
- F. Please Visit the City Council Website here: <https://www.watertown-ma.gov/350/City-Council>

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- 1. ROLL CALL
 - 2. PLEDGE OF ALLEGIANCE
 - 3. PUBLIC FORUM
 - 4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
 - A. Minutes from City Council Meeting May 9, 2023
 - B. Minutes from City Council Meeting May 23, 2023
 - 5. PRESIDENT'S REPORT
 - 6. PRESENTATION OF PETITIONS, PROCLAMATIONS, AND SIMILAR PAPERS AND MATTERS
 - A. Juneteenth Proclamation - 2023
 - B. To assign the name of Technology Way to a new private way between Galen St and the lower portion of Water Street, located across from Aldrich Road.
 - 7. PUBLIC HEARINGS
 - A. Public Hearing and Vote on a Petition from Eversource for a Grant of Location in Waltham St to install and maintain approximately 7 linear feet of conduit from utility

pole 139/29 to the property line of #249 Waltham Street. This work is necessary to provide electric service to #249 Waltham Street. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

B. Public Hearing and Vote on Proposed City Auditor's Salary

8. COMMITTEE OF THE WHOLE

A. Amendment to Fiscal Year 2024 - increases to revenue and expenditure lines

B. Public Hearing and Vote on the Fiscal Year 2024 Budget and Related Matters

9. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS

A. First Reading on a Proposed Order Establishing Water and Sewer Rates and Charges for Fiscal Year 2024

B. Consideration and approval of exemptions of interests of existing City employees in contracts with the City including summer, winter, holiday, and after school program employment positions in response to disclosures filed with the City Clerk by prospective employees and certification by the Recreation Director that no employee of that Department is available to perform those services as part of their regular duties, in accordance with G.L. c. 268A, sec. 20(b) – Recreation Department: Furtado, Eric and McDermott, Nicholas

C. Resolution Approving the Fiscal Year 2024 Retiree Health Insurance Appropriation and Authorization of Expenditures from the OPEB Trust Fund

D. Resolution Establishing Fiscal Year 2024 Expenditure Limits for Revolving Funds

E. Motion to Appropriate the Community Preservation Act (CPA) Funds for Fiscal Year 2024

F. An Extension Authorizing a Five Year Contract with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere

10. REPORTS OF COMMITTEES

A. Committee on Human Services Regarding the minutes from The Committee on Human Services meetings on December 15, 2022; January 31, 2023; March 23, 2023 - Anthony Palomba, Chair

B. Committee on Rules and Ordinances Regarding Discussion on Adoption of Human Rights Commission Ordinance -John Gannon, Chair

ACTION ITEM:

Recommend City Council Request the City Attorney Review the Draft Ordinance, and then Schedule a First Reading on the Proposed Human Rights Commission Ordinance for Adoption.

11. NEW BUSINESS

12. COMMUNICATIONS FROM THE CITY MANAGER

A. Request for Confirmation of appointment to the Board of Election Commissioners

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

14. ANNOUNCEMENTS
15. PUBLIC FORUM
16. RECESS OR ADJOURNMENT

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor

CITY COUNCIL ATTENDANCE
MEETING DATE: JUNE 13, 2023

	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>

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: JUNE 13, 2023

	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 accept Minutes from May 9, 2023 and May 23, 2023 City Council Meetings.

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: JUNE 13, 2023

	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 approve the Proclamation of Jun 19, 2023 as Juneteenth in the City of Watertown.



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

Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

PROCLAMATION

WHEREAS: President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States; and,

WHEREAS: Although President Lincoln's Emancipation Proclamation had been issued more than two years prior, Union troops had previously been unable to fully enforce the order until June 19, 1865, in the South and Southwestern United States; and

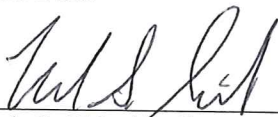
WHEREAS: June 19th has a special meaning to African Americans, and has been celebrated by communities for over 150 years; and

WHEREAS: As one of the oldest American holidays, Juneteenth commemorates formerly enslaved individuals and their descendants and has historically been a time of prayer, reflection and family reunion; and

WHEREAS: The Commonwealth of Massachusetts has recognized June 19th as a legal holiday to celebrate the emancipation of African Americans and their contribution; and

NOW THEREFORE BE IT RESOLVED: that the City of Watertown hereby proclaims Monday, June 19, 2023, as "Juneteenth Day" and urge all citizens to become more aware of the significance of this celebration in the African American History and in the heritage of our nation and our community.

IN WITNESS WHEREOF, I have
hereunto set our hand and caused the
Great Seal of the City of Watertown
to be affixed on this 13th day of
June 2023


Mark S. Sideris, City Council President



CITY COUNCIL ROLL CALL VOTE
MEETING DATE: JUNE 13, 2023

	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 approve a Grant of Location request from Eversource in Waltham Street to install and maintain approximately 7 linear feet of conduit from utility pole 139/28 to the property line of 149 Waltham Street.



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

RESOLUTION # 30

2023 – R - 30

BE IT RESOLVED: That the Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location in Waltham Street to install and maintain approximately 7 linear feet of conduit from utility pole 139/28 to the property line. This work is necessary to provide electric service to 249 Waltham Street. Said Grant of Location shall be subject to the following recommendations and conditions.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.

3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities.

The City of Watertown is not a member of Dig Safe and must be notified separately.

4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.

5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.

6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.

7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.

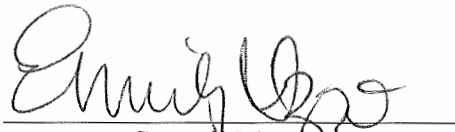
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.

9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.

10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

BE IT FURTHER RESOLVED: That the petitioner shall deposit sufficient cash surety as determined by the Superintendent of Public Works to be held in escrow until the Superintendent of Public Works is satisfied with the condition of repair and restoration of the street.

BE IT FURTHER RESOLVED: That a copy of said petition is forwarded to the City Clerk for processing.



Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of _ for, _ against, and _ present on June 13, 2023



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President



CITY OF WATERTOWN
DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET
WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

(P) 617-972-6420
(F) 617-972-6402

TYPE: Grant of Location
DATE: May 24, 2023
APPLICANT: Eversource
WORK ORDER: WO# 11013300
LOCATION: Waltham Street

The City of Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location for the following installations:

- **Waltham Street – Install and maintain approximately 7 linear feet of conduit from utility pole 139/29 to the property line.**

This work is necessary to provide electric service to 249 Waltham Street. Upon completion of our review, we are submitting the following recommendations and conditions for consideration by the City Council should the Grant of Location be approved for this application. A photo of the location of the proposed work is presented attached to this document.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities. **The City of Watertown is not a member of Dig Safe and must be notified separately.**
4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.
10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

RECEIVED
WATERTOWN D.P.W.

2023 MAY 22 AM 11:44

May 4, 2023

City Council
City Hall
149 Main Street
Watertown, MA 02472

RE: Waltham Street
Watertown, MA
W.O.# 11013300

Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR Electric Company d/b/a EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 7± feet of conduit in Waltham Street.

The reason for this work is to provide service to #249 Waltham Street, Watertown.

If you have any further questions, please contact Joanne Callender at 781-314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/sky
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS
AND MANHOLES**

To the **City Council** of the City of **WATERTOWN** Massachusetts:

Respectfully represents **NSTAR ELECTRIC Company d/b/a Eversource Energy** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated December 1, 2022**, and filed herewith, under the following public way or ways of said City:

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

Waltham Street - Northerly from pole 139/29, approximately 404± feet east of Gore Street, install approximately 7± feet of conduit.

WO #11013300

BY *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this _____ day of _____ 2023

City of **WATERTOWN** Massachusetts

Received and filed _____ 2023

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
City of WATERTOWN

WHEREAS, **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the City thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Waltham Street - Northerly from pole 139/29, approximately 404± feet east of Gore Street, install approximately 7± feet of conduit.

WO #11013300

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated December 1, 2022**, on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the city council or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	City Council
3	_____	the City of
4	_____	WATERTOWN
5	_____	

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the council to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said City.

1	_____	
2	_____	City Council
3	_____	the City of
4	_____	WATERTOWN
5	_____	

CERTIFICATE

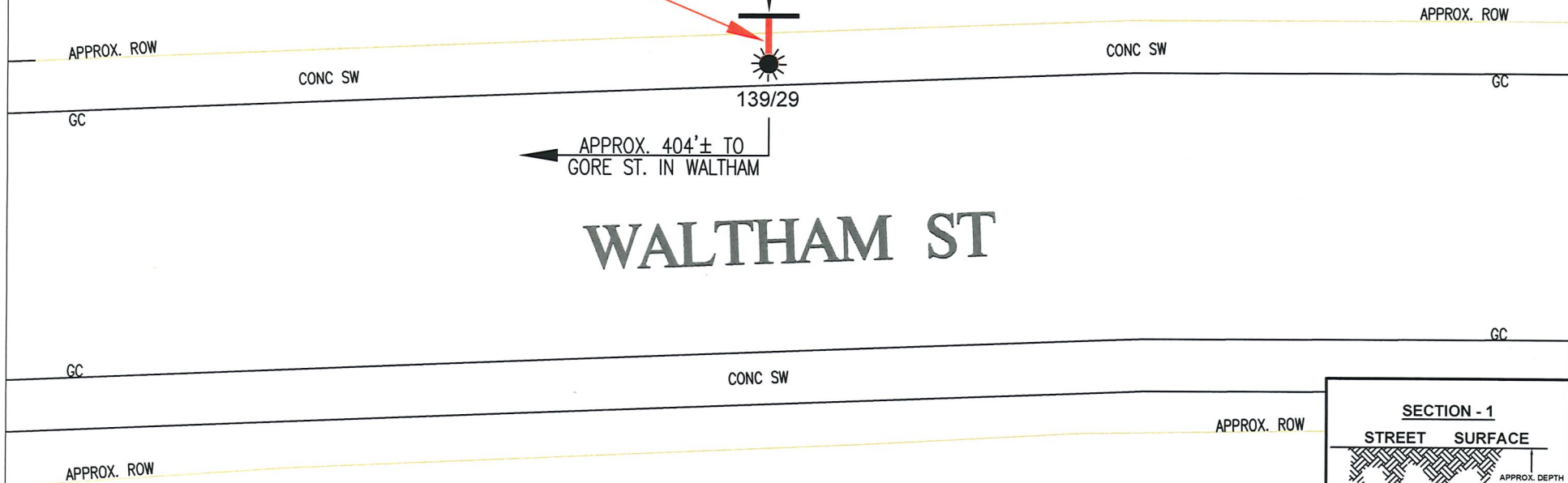
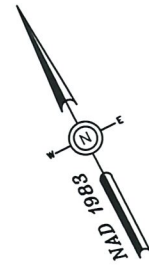
I hereby certify that the foregoing are true copies of the Order of the **City Council** of the City of **WATERTOWN**, Massachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the City of **WATERTOWN**, Massachusetts

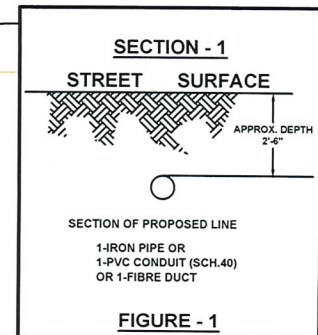
702 1A 0
249 WALTHAM ST
WATERTOWN
N/F
GORE PLACE SOCIETY

INSTALL 1 - 4" PVC PIPE
SCHEDULE 40, NO CONCRETE
SECTION 1 FIG. 1 7±

APPROX. PT.
OF PICKUP



807 1B 1
100 WOODVIEW WAY
WATERTOWN
N/F
100 WOODVIEW WAY MA LLC



SCALE IN FEET

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	NSTAR EVERSOURCE 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Ward #		
Work Order # 11013300	Plan of WALTHAM ST	
Surveyed by: N/A	WATERTOWN	
Research by: JC	Showing PROPOSED COSTUMER CONDUIT LOCATION	
Plotted by: LM		
Proposed Structures: LM		
Approved: T THIBAUT	Scale 1"=20'	Date DECEMBER 1, 2022
P#	SHEET	1 of 1

CITY COUNCIL ATTENDANCE
MEETING DATE: JUNE 13, 2023

	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 Adopt an Amendment to the Fiscal Year 2024 General Budget.



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 # 31

2023 - O - 31

ORDER ADOPTING AN AMENDMENT TO THE FISCAL YEAR 2024 GENERAL BUDGET

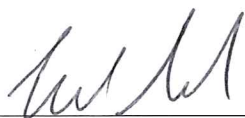
BE IT ORDERED: That the City Council of the City known as the Town of Watertown hereby adopts an amendment to the Fiscal Year 2024 General Budget, as attached.

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


Council Member

I hereby certify that at a special 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 June 13, 2023


Brendan T. McCarthy, Council Clerk


Mark S. Sideris, Council President



George J. Proakis
City Manager

CITY OF
WATERTOWN
Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: June 8, 2023

RE: Proposed Amendment to the Fiscal Year 2024 Budget

I respectfully request your favorable consideration on the Proposed Amendment to the Fiscal Year 2024 Budget.

The Proposed Amendment is related to the following:

- Increase Revenue Line - we will use an additional \$3,688,029 from Utilization of Free Cash for a total of \$5,688,029; and,
- Increase Expenditure Line - we will add \$3,688,029 to the Settlement Account changing that account total to \$3,738,029.

Given this amendment, the Fiscal Year 2024 Revenues and Expenditures will be each increased by \$3,688,029. Therefore, the revised Fiscal Year 2024 Revenues are \$194,013,029 and the revised Fiscal Year 2024 Expenditures are \$194,013,029.

Thank you for your consideration in this matter.

CITY OF WATERTOWN				
PROPOSED GENERAL FUND FY 2024 BUDGET				
AS AMENDED JUNE 13, 2023				
	(510100 to 510199)	(520200 to 570799)	(580800 to 590999)	
	PERSONNEL	SUPPLIES	CAPITAL	
DEPARTMENTS	RELATED COSTS	AND SERVICES	COSTS/ OTHER	DEPARTMENTAL TOTAL
CITY COUNCIL	\$199,568	\$3,929,100	\$25,000	\$4,153,668
CITY MANAGER	\$912,210	\$65,550	\$0	\$977,760
CITY AUDITOR	\$484,922	\$122,775	\$0	\$607,697
PROCUREMENT	\$234,662	\$205,102	\$40,000	\$479,764
CITY ASSESSOR	\$401,776	\$104,800	\$0	\$506,576
TREASURER/COLLECTOR	\$369,479	\$126,800	\$0	\$496,279
CITY ATTORNEY	\$0	\$235,000	\$0	\$235,000
HUMAN RESOURCES	\$248,360	\$81,235	\$0	\$329,595
INFORMATION TECHNOLOGY	\$551,631	\$1,073,605	\$155,013	\$1,780,249
CITY CLERK	\$281,480	\$16,600	\$0	\$298,080
ELECTIONS	\$156,993	\$59,000	\$0	\$215,993
COMM. DEV. & PLANNING	\$1,876,887	\$313,800	\$0	\$2,190,687
CONSTITUENT SERVICES	\$138,290	\$26,000	\$0	\$164,290
PARKING LOTS & METERS	\$201,200	\$147,500	\$15,000	\$363,700
PUBLIC BUILDINGS	\$898,115	\$499,340	\$315,000	\$1,712,455
POLICE	\$9,842,331	\$743,326	\$332,049	\$10,917,706
FIRE	\$11,316,773	\$703,720	\$420,000	\$12,440,493
EMERGENCY MANAGEMENT	\$2,660	\$54,095	\$0	\$56,755
PUBLIC WORKS	\$3,914,298	\$10,247,786	\$502,500	\$14,664,584
HEALTH	\$658,857	\$302,491	\$0	\$961,348
SENIOR SERVICES	\$355,765	\$93,232	\$15,000	\$463,997
VETERAN'S SERVICES	\$91,929	\$153,600	\$0	\$245,529
LIBRARY	\$2,527,678	\$1,049,163	\$101,000	\$3,677,841
RECREATION	\$425,479	\$69,060	\$0	\$494,539
RYAN SKATING ARENA	\$230,932	\$251,285	\$30,000	\$512,217
DEBT RETIREMENT		\$0	\$32,209,728	\$32,209,728
STATE & COUNTY CHARGES	\$0	\$3,385,224	\$0	\$3,385,224
RETIREMENT BENEFITS	\$1,150,000	\$0	\$9,080,432	\$10,230,432
INS. & EMPLOYEE BENEFITS	\$14,474,279	\$1,223,841	\$8,108,029	\$23,806,149
TRNS/CAPITAL PROJECTS	\$0	\$0	\$2,375,400	\$2,375,400
MISC./OTHER FIN. USES	\$0	\$0	\$5,475,465	\$5,475,465
EDUCATION				\$57,583,829
TOTAL	\$51,946,554	\$25,283,030	\$59,199,616	\$194,013,029

CITY OF WATERTOWN FY 2024 PROPOSED OTHER FINANCING SOURCES GENERAL FUND						
OTHER FINANCING SOURCES:						
TRANSFER FROM SALE OF LOTS FUND					\$20,000	
TRANSFER FROM PARKING METER FUND					\$250,000	
TRANSFER FROM OPIOID SETTLEMENT FUND					\$60,000	
TRANSFER FROM CEMETARY PERPETUAL CARE FUND					\$10,000	
TRANSFER FROM CAPITAL PROJECT STABILIZATION FUND					\$500,000	
TRANSFER FROM ESCO CAPITAL PROJECT STABILIZATION FUND					\$494,438	
TRANSFER FROM WATER FUND					\$1,423,464	
TRANSFER FROM SEWER FUND					\$1,494,512	
			TOTAL TRANSFERS		\$4,252,414	

[illegible]

CITY OF WATERTOWN FY 2024 PROPOSED WATER & SEWER ENTERPRISE BUDGETS							
	(510100 to 510199)	(520200 to 570799)	(580800 to 580899)	(590900 to 599999)			
	PERSONNEL	SUPPLIES		OTHER			
	RELATED	AND	CAPITAL	FINANCING			
FUND	COSTS	SERVICES	COSTS	USES		TOTAL	
WATER ENTERPRISE FUND	\$1,090,421	\$4,656,055	\$236,000	\$2,973,357		\$8,955,833	
SEWER ENTERPRISE FUND	\$778,548	\$7,636,880	\$1,355,000	\$2,046,660		\$11,817,088	
TOTAL	\$1,868,969	\$12,292,935	\$1,591,000	\$5,020,017		\$20,772,921	

[illegible]



George J. Proakis
City Manager

CITY OF
WATERTOWN
Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: June 13, 2023

RE: Fiscal Year 2024 Water & Sewer Rates

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works summarizing the Water and Sewer Rate Study Analysis performed for the City of Watertown. As stated in the report, this Study was performed to provide the City with recommended water and sewer rate changes that will generate sufficient revenue to fund the purchase of water and sewerage treatment from the Massachusetts Water Resource Authority ("MWRA"), operational costs, indirect costs, debt service costs, and short-term and long-term capital improvements and will ensure the water fund and sewer fund continue to maintain healthy retained earnings.

I respectfully request a First Reading on an Order establishing water and sewer rates and charges for Fiscal Year 2024 be considered at tonight's City Council meeting. The Public Hearing and consideration of rate schedules and fees designed to raise sufficient revenues to support the Fiscal Year 2024 operational services provided to customers of the City's Water/Sewer System would be scheduled for the June 27, 2023 City Council Meeting.

Thank you for your consideration in this matter.

cc: Gregory M. St. Louis, Superintendent of Public Works
Steven Magoon, Assistant City Manager/CD&P Director
Melissa A. Morrissey, City Treasurer/Collector



CITY OF WATERTOWN
DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET
WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

(P) 617-972-6420
(F) 617-972-6402

TO: George J. Proakis – City Manager

FROM: Gregory St. Louis, PE – Superintendent of Public Works
Megan Langan – Management Analyst – Water & Sewer Division

SUBJECT: Water and Sewer Rate Study 2024

DATES: June 5, 2023

I am pleased to present the following memorandum summarizing the Water and Sewer Rate Study Analysis performed for the City of Watertown ("City"). This Study was performed to provide the City with recommended water and sewer rate changes that will generate sufficient revenue to fund the purchase of water and sewerage treatment from the Massachusetts Water Resource Authority ("MWRA"), operational costs, indirect costs, debt service costs, and short-term and long-term capital improvements and will ensure the water fund and sewer fund continue to maintain healthy retained earnings.

Background

The City of Watertown consists of primarily urban commercial and residential development with a population of approximately 35,000, according to the 2020 U.S. Census. The Water and Sewer Department through its Department of Public Works ("DPW"), provides services to approximately 9,500 commercial, residential, industrial, and institutional accounts.

The Water and Sewer Department is responsible for providing its users with drinking water and sewage collection and conveyance in a cost-effective and environmentally friendly manner that meets EPA and DEP standards.

Water Utility

The City is a member community of the Massachusetts Water Resource Authority ("MWRA"), and the MWRA supplies water to the City, with an average daily demand of 2.6 million gallons per day per the Water System Analysis and Capital Improvement Plan dated March 9, 2015. The water is then conveyed to its residents through the City's 81 miles of water distribution mains.

Sewer Utility

The City's sewer system consists of approximately 76 miles of the sewer with an average daily flow of 3 million gallons per day per the Sewer Collection System Capital Improvement Plan dated December 2017, which transports the wastewater to the MWRA interceptors.

Existing Rate Structure and Charges

The City's water and sewer rates are based on a multi-tier rate structure in which the rate per 100 cubic feet of water increases with consumption. All 9,500 plus residential, commercial, and irrigation accounts are billed quarterly (every three months) which are staggered across each quarter according to the billing cycle.

The City currently has an inclining, four-tier structure for non-irrigation water consumption and sewer flow and a flat fee for irrigation water consumption, as well as meter and fire protection charges. Table 1 shows the current water and sewer rates for Fiscal Year 2023. Tables 2 and 3 detail current meter and fire service charges, respectively.

Table 1 – FY 2023 Water and Sewer Rates (Effective July 1, 2022)

Tier	Consumption	Water Rate (per 100 cubic feet)	Sewer Rate (per 100 cubic feet)
1	0-2,500 cu ft	\$5.20	\$10.44
2	2,501 - 5,000 cu ft	\$8.10	\$13.63
3	5,001 - 25,000 cu ft	\$10.96	\$15.23
4	Over 25,000 cu ft	\$14.29	\$18.64
Irrigation	All	\$14.29	N/A

Table 2 – FY 2023 Meter Service Charges (Effective July 1, 2022)

Meter Size (inches)	Rates/quarter
5/8	\$8.35
3/4	\$8.89
1	\$10.50
1 1/4	\$12.64
1 1/2	\$12.64
2	\$18.45
3	\$61.46
4	\$77.38
6	\$114.55

Table 3 – FY 2023 Fire Service Charges (Effective July 1, 2022)

Service Size (inches)	Rates
2	\$12.18
3	\$42.64
4	\$85.29
6	\$249.76
8	\$529.98
10	\$956.41

Comparison to Neighboring Communities

When considering rate changes, comparing the City's rates and tiers to neighboring communities' rates and tiers provides helpful information on how communities measure up. Table 4 below compares water rates by tier and base charges and Table 5 compares sewer rates by tier and base charges. The average customer's bill, based on an industry-standard 2,800 cubic feet of usage, is also included in the tables. Each community in the tables is a member of the MWRA.

Table 4 – Water Rates/Tiers Comparison to Neighboring Communities												
Community	Tiers					Base	Rates					Average Bill
	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5		Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	
Watertown	0-2,500	2,500-5,000	5,001-25,000	Over 25,000		\$8.35	\$5.20	\$8.10	\$10.96	\$14.29		\$162.65
Waltham	0-2,100	2,100-4,500	4,500-12,000	Over 12,000			\$3.07	\$4.15	\$8.90	\$12.14		\$93.52
Needham	0-600	600-2,700	2,700-4,200	Over 4,200		\$15.00	\$3.24	\$3.46	\$4.35	\$5.34		\$111.45
Lexington	0-4,000	4,000-8,000	Over 8,000				\$4.79	\$7.18	\$9.48			\$134.12
Wellesley	0-500	500-1,200	1,200-2,400	2,400-3,600	Over 3,600	\$9.99	\$4.49	\$5.27	\$8.36	\$10.82	\$13.77	\$212.93
Brookline	0-1,800	Over 1,800				\$34.19	\$3.00	\$7.51				\$163.29
Belmont	0-3,000	Over 3,000				\$20.85	\$6.62	\$7.59				\$206.21
Arlington	0-1,500	1,500-3,000	Over 3,000			\$16.77	\$7.88	\$8.44	\$10.24			\$244.69
Newton	0-1,000	1,000-2,500	2,500-6,000	Over 6,000			\$7.40	\$8.55	\$9.83	\$12.26		\$231.74

Data is per quarter. Tiers are in cubic feet. Rates per 100 cubic feet. Average bill is for usage of 2,800 cubic feet with 5/8" meter.

Table 5 – Sewer Rates/Tiers Comparison to Neighboring Communities												
Community	Tiers					Base	Rates					Average Bill
	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5		Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	
Watertown	0-2,500	2,500-5,000	5,001-25,000	Over 25,000			\$10.44	\$13.63	\$15.23	\$18.64		\$301.89
Waltham	0-2,100	2,100-4,500	4,500-12,000	Over 12,000			\$5.46	\$7.63	\$16.26	\$21.51		\$168.07
Needham	0-600	600-2,700	2,700-4,200	Over 4,200		\$12.00	\$9.53	\$10.52	\$11.35	\$12.38		\$301.45
Lexington	0-4,000	4,000-8,000	Over 8,000				\$9.30	\$15.19	\$24.16			\$260.40
Wellesley	Flat Rate					\$15.00	\$9.77					\$288.56
Brookline	Flat Rate					\$34.19	\$8.99					285.91
Belmont	Flat Rate					\$18.24	\$12.91					\$379.72
Arlington	0-1,500	1,500-3,000	Over 3,000				\$9.27	\$9.88	\$11.98			\$267.49
Newton	0-1,000	1,000-2,500	2,500-6,000	Over 6,000			\$11.41	\$13.35	\$14.34	\$16.49		\$357.37

Data is per quarter. Tiers are in cubic feet. Rates per 100 cubic feet. Average bill is for usage of 2,800 cubic feet with 5/8" meter.

Existing Expenses and Revenues

With a FY 2023 water rate increase of 6.5% and a sewer increase of 5.5%, along with increased consumption due to a dry summer in 2022 and the impact of altering the existing tier structure to a 4-tier structure, FY 2023 is projected to end in surplus for both the water and sewer funds. The water fund's surplus in FY 2023 is projected to be \$710,157 and the sewer fund's surplus in FY 2023 is projected to be \$195,399. The City's MWRA water assessment decreased 0.8% from FY 2022 to FY 2023 and water long-term debt more than doubled from \$645,000 in FY 2022 to more than \$1.2 million. FY 2023 sewer expenditures are projected to decrease by about 5%, and user charges revenue projects to increase approximately 20% over FY 2022's amount. These projections assume the FY 2023 water and sewer budgets will be fully expended. Based on the FY 2023 projections, available retained earnings will be about \$2.6 million for water and about \$1.4 million for sewer.

The City's MWRA water assessment was projected using the MWRA's methodology to calculate the City's assessment using its average flow share and the expected annual increase in MWRA's water expenses. The City's MWRA sewer assessment was projected using a conservative annual increase of 4%, which is slightly above the City's annual increase. Capital outlay expenses for FY 2024 were held steady using the FY 2023 budgeted amount, and then increased by \$50,000 annually in line with the City's CIP. The remaining expenditures, including salaries, indirect costs, and other expenses, were increased annually based on the amounts in the FY 2023 budgets. The resulting total projected expenditures for FY 2024 are \$10,209,452 for water and \$13,025,237 for sewer.

The MWRA's FY 2023 water and sewer assessments were \$4,147,401 for water and \$6,870,077 for sewer. Using the projection methodologies described above, the projected MWRA's FY 2024 water and sewer assessments are \$4,200,455 for water and \$7,130,880 for sewer, with a percent increase of 1.2% for water and a 3.8% increase for sewer. The MWRA's assessment is the most significant expense for the Water Enterprise Fund and the Sewer Enterprise Fund.

The City plans to invest in capital improvements via its regularly maintained capital improvement plans ("CIPs") and via additional capital improvements over the next five years. Included in the water projections presented, in addition to the funding of the CIP, is funding for capital improvements of \$1.25 million per year from FY 2024 to FY 2028. Included in the sewer projections presented, in addition to the funding of the CIP, is funding for sewer capital improvements of \$1.25 million per year from FY 2024 to FY 2028. Funding of these capital improvements would be via transfer to capital projects from retained earnings in FY 2024 and FY 2025 as well as long-term debt from FY 2026 through FY 2028 and are in addition to the City's use of available MWRA grant and loan funding.

Without any changes in revenue, as presented in the baseline financial analysis, total projected water revenues for FY 2024 are \$9,183,985 and projected expenditures are \$10,209,452, leaving a deficit of over \$1 million for FY 2024. In addition, the revenue total does not include liens, which is revenue from prior years that the City has already identified as revenue in those years.

Without any changes in revenue, as presented in the baseline financial analysis, total projected sewer revenues for FY 2024 are \$12,690,774 and projected expenditures are \$13,025,237, leaving a deficit of almost \$335,000 for FY 2024. In addition, the revenue total does not include liens, which is revenue from prior years that the City has already identified as revenue in those years.

The Water Enterprise Fund and the Sewer Enterprise Fund are experiencing budgetary shortfalls because revenue recovered from rates is insufficient to cover expenditures. The City should strongly consider rate action for FY 2024 and beyond to ensure sufficient revenue is realized from rates.

Billing Data Analysis

The City extracted billing information from its Munis billing system and compiled the data into a single Excel model. The model can be used to project water and sewer billings based on rate changes and/or tier changes.

There were 39,170 bills with a bill date from May 1, 2022, to May 01 2023. Most accounts are residential, accounting for approximately 90% of total bills sent. Table 6 below shows a breakdown of the number and percentage of FY 2023 bills by tier.

Table 6 – Bills by Tier		
Tier	# Bills	%
No Usage or Usage < 0	2,027	5.2%
1	2,839	71.1%
2	7,163	18.3%
3	1,837	4.7%
4	304	0.8%
Total	39,170	100.0%

The total amount billed for water and sewer consumption for the above period was \$20,752,074. The total amount billed for meter service charges was \$397,323. The total amount billed, but not necessarily collected, was \$21,149,397. Table 7 below shows the total billed amounts by tier.

Table 7 – Total Billings and Consumption May '22 – May '23								
			Water		Sewer		Total	
Tier	Usage (cu. ft.)	% Consumption	Billings	% Billings	Billings	% Billings	Billings	% Billings
1	64,342,208	61.6%	\$3,531,562	42.8%	\$6,414,879	51.3%	\$9,946,442	47.9%
2	11,087,757	10.6%	\$948,296	11.5%	\$1,431,149	11.4%	\$2,379,445	11.5%
3	12,851,632	12.3%	\$1,458,781	17.7%	\$1,813,127	14.5%	\$3,271,908	15.8%
4	16,124,297	15.4%	\$2,304,162	28.0%	\$2,850,118	22.8%	\$5,154,280	24.8%
Total	*104,387,894	100.0%	\$8,242,802	100.0%	\$12,509,273	100.0%	\$20,752,074	100.0%

*765.82 million gallons of water

Usage Trends

Consumption during FY 2022 was lower than usage in previous years due to the lessening of the COVID-19 pandemic's impact on consumption patterns. However, we have seen an increase in consumption again during FY 2023 due to ongoing draught conditions throughout the summer of 2022 which resulted in increased outdoor water usage. Accuracy with usage estimates is critical to the estimation of future revenues. If usage exceeds projections, the City will generate surplus revenue that can be used to fund future needs or can be used to offset future rates increases. If usage is less than anticipated, the City may need to adjust its operating expenses, postpone capital improvement projects, and/or utilize reserves. Table 8 shows usage since FY 2015 through FY 2023.

Table 8 – Water Usage		
Fiscal Year	Usage	Change
	(Cu. Ft.)	%
2015	105,294,393	-
2016	107,480,202	2.03%
2017	109,147,768	1.53%
2018	104,773,747	-4.01%
2019	103,788,033	-0.94%
2020	105,135,564	1.30%
2021	105,386,263	0.24%
2022	102,478,992	-2.76%
2023	104,400,441	1.88%

Options for Rates and Charges

Each of the following options for updated rates and charges included in this memorandum are designed to ensure retained earnings are not depleted from FY 2024 to FY 2028 and to target healthy retained earnings of at least 15% of total expenditures by the end of the five-year period. The City would ultimately like to target a retained earnings balance of 20% of total expenditures, but, given the current environment, the City is seeking more time to target 20% retained earnings. The recommended retained earnings balance is between 10% and 25%.

Since the analysis conducted was a five-year look-ahead, rates are presented for the next five fiscal years, including FY 2024. Each of these options will help the City achieve its goals of covering actual costs of services, maintaining healthy retained earnings, investing in capital improvements, and ensuring long-term fiscal stability.

Option 1

Option 1 is designed to change rates and charges only, without changes to the City's rate structure. This is consistent with how the City has changed rates and charges in the recent past.

Increases to rates are presented in Table 9 below:

Table 9 – Proposed Increases					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Water	5.5%	5.0%	4.0%	2.5%	2.5%
Sewer	6.0%	5.25%	4.5%	4.0%	4.0%

Tables 10 and 11 below present the current rates and charges and proposed FY 2024 rates and charges along with the differences between them. The increases to the meter service and private fire protection charges are not the same as the increases to rates. Table 12 below presents the quarterly bill impact for sample users.

Table 10 – Current and Proposed Meter Service Charges				
Meter Charge	FY 2023	FY 2024	Difference	
Meter Size	Current	Proposed	\$	%
5/8"	\$8.35	\$8.81	\$0.46	5.5%
3/4"	\$8.89	\$9.38	\$0.49	5.5%
1"	\$10.50	\$11.08	\$0.58	5.5%
1 1/4"	\$12.64	\$13.34	\$0.70	5.5%
1 1/2"	\$12.64	\$13.34	\$0.70	5.5%
2"	\$18.45	\$19.46	\$1.01	5.5%
3"	\$61.46	\$64.84	\$3.38	5.5%
4"	\$77.38	\$81.64	\$4.26	5.5%
6"	\$114.55	\$120.85	\$6.3	5.5%

Table 11 – Volumetric Rates (per 100 cubic feet)					
Tier	Volume	FY 2023	FY 2024	Difference	
Water	(cu. Ft)	Current	Proposed	\$	%
1	0-2,500	\$5.20	\$5.49	\$0.29	5.5%
2	2,501-5,000	\$8.10	\$8.55	\$0.45	5.5%
3	5,001-25,000	\$10.96	\$11.56	\$0.60	5.5%
4	Over 25,000	\$14.29	\$15.08	\$0.79	5.5%
Irrigation		\$14.29	\$15.08	\$0.79	5.5%
Sewer					
1	0-2,500	\$10.44	\$11.07	\$0.63	6.0%
2	2,501-5,000	\$13.63	\$14.45	\$0.82	6.0%
3	5,001-25,000	\$15.23	\$16.14	\$0.91	6.0%
4	Over 25,000	\$18.64	\$19.76	\$1.12	6.0%
Combined					
1	0-2,500	\$15.64	\$16.55	\$0.91	5.8%
2	2,501-5,000	\$21.73	\$22.99	\$1.26	5.8%
3	5,001-25,000	\$26.19	\$27.71	\$1.52	5.8%
4	Over 25,000	\$32.93	\$34.83	\$1.90	5.8%
Irrigation		\$14.29	\$15.08	\$0.79	5.5%
Private Fire Protection					
2"		\$12.18	\$12.85	\$0.67	5.5%
3"		\$42.64	\$44.99	\$2.35	5.5%
4"		\$85.29	\$89.98	\$4.69	5.5%
6"		\$249.76	\$263.50	\$13.74	5.5%
8"		\$529.98	\$559.13	\$29.15	5.5%
10"		\$956.41	\$1,009.01	\$52.60	5.5%

Table 12 – Bill Impacts for Sample Users (quarterly)									
Meter	Consumption	FY 2023			FY 2024			Difference	
Size	(cu. ft)	Water	Sewer	Total	Water	Sewer	Total	\$	%
5/8"	2,500	\$138.35	\$261.00	\$399.35	\$145.95	\$276.66	\$422.62	\$23.27	5.8%
5/8"	4,000	\$259.85	\$465.45	\$725.30	\$274.14	\$493.38	\$767.52	\$42.22	5.8%
5/8"	15,000	\$1,436.85	\$2,124.75	\$3,561.60	\$1,515.88	\$2,252.24	\$3,768.11	\$206.51	5.8%
1"	25,000	\$2,535.00	\$3,647.75	\$6,182.75	\$2,682.81	\$3,866.62	\$6,549.43	\$366.68	5.9%
4"	75,000	\$9,746.88	\$12,967.75	\$22,714.63	\$10,210.13	\$13,745.82	\$23,955.95	\$1,241.32	5.5%

The information presented for Option 1 includes the additional funding of \$1.25 million in water capital projects in FY26 through FY28 and the additional funding of \$1.25 million in sewer capital projects in FY26 through FY28. It also includes a direct appropriation from retained earnings of \$1.25 million for water capital projects in FY24 and FY25 and a direct appropriation from retained earnings of \$1.25 million for sewer capital projects in FY24 and FY25. This funding is in addition to what is in the City-maintained water and sewer CIPs.

Option 2

Option 2, like Option 1, is designed to change rates and charges only, without changes to the City's rate structure. This is consistent with how the City has changed rates and charges in the recent past. However, rather than including a direct appropriation from retained earnings of \$1.25 million for water capital projects in FY24 and FY25 and a direct appropriation from retained earnings of \$1.25 million for sewer capital projects in FY24 and FY25 Option 2 assumes the application of ARPA funding in the same amounts be utilized for capital projects in FY24 and FY25.

Increases to rates, including FY 2024, are presented in Table 13 below:

Table 13 – Proposed Increases					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Water	3.0%	3.0%	3.0%	3.0%	3.0%
Sewer	3.0%	3.0%	3.0%	2.75%	2.5%

Tables 14 and 15 below present the current rates and charges and proposed FY 2024 rates and charges along with the differences between them. The increases to the meter service and private fire protection charges are the same as the increases to rates. Table 16 below presents the quarterly bill impact for sample users.

Table 14 – Current and Proposed Meter Service Charges				
Meter Charge	FY 2023	FY 2024	Difference	
Meter Size	Current	Proposed	\$	%
5/8"	\$8.35	\$8.60	\$0.25	3.0%
3/4"	\$8.89	\$9.16	\$0.27	3.0%
1"	\$10.50	\$10.82	\$0.32	3.0%
1 1/4"	\$12.64	\$13.02	\$0.38	3.0%
1 1/2"	\$12.64	\$13.02	\$0.38	3.0%
2"	\$18.45	\$19.00	\$0.55	3.0%
3"	\$61.46	\$63.30	\$1.84	3.0%
4"	\$77.38	\$79.70	\$2.32	3.0%
6"	\$114.55	\$117.99	\$3.44	3.0%

Table 15 – Volumetric Rates (per 100 cubic feet)					
Tier	Volume	FY 2023	FY 2024	Difference	
Water	(cu. Ft)	Current	Proposed	\$	%
1	0-2,500	\$5.20	\$5.36	\$0.16	3.0%
2	2,501-5,000	\$8.10	\$8.34	\$0.24	3.0%
3	5,001-25,000	\$10.96	\$11.29	\$0.33	3.0%
4	Over 25,000	\$14.29	\$14.72	\$0.43	3.0%
Irrigation		\$14.29	\$14.72	\$0.43	3.0%
Sewer					
1	0-2,500	\$10.44	\$10.75	\$0.31	3.0%
2	2,501-5,000	\$13.63	\$14.04	\$0.41	3.0%
3	5,001-25,000	\$15.23	\$15.69	\$0.46	3.0%
4	Over 25,000	\$18.64	\$19.20	\$0.56	3.0%
Combined					
1	0-2,500	\$15.64	\$16.11	\$0.47	3.0%
2	2,501-5,000	\$21.73	\$22.38	\$0.65	3.0%
3	5,001-25,000	\$26.19	\$26.98	\$0.79	3.0%
4	Over 25,000	\$32.93	\$33.92	\$0.99	3.0%
Irrigation		\$14.29	\$14.72	\$0.43	3.0%
Private Fire Protection					
	2"	\$12.18	\$12.55	\$0.37	3.0%
	3"	\$42.64	\$43.92	\$1.28	3.0%
	4"	\$85.29	\$87.85	\$2.56	3.0%
	6"	\$249.76	\$257.25	\$7.49	3.0%
	8"	\$529.98	\$545.88	\$15.90	3.0%
	10"	\$956.41	\$985.10	\$28.69	3.0%

Table 16 – Bill Impacts for Sample Users (quarterly)									
Meter	Consumption	FY 2023			FY 2024			Difference	
Size	(cu. ft)	Water	Sewer	Total	Water	Sewer	Total	\$	%
5/8"	2,500	\$138.35	\$261.00	\$399.35	\$142.50	\$268.83	\$411.33	\$11.98	3.0%
5/8"	4,000	\$259.85	\$465.45	\$725.30	\$267.65	\$479.41	\$747.06	\$21.76	3.0%
5/8"	15,000	\$1,436.85	\$2,124.75	\$3,561.60	\$1,479.96	\$2,188.49	\$3,668.45	\$106.85	3.0%
1"	25,000	\$2,535.00	\$3,647.75	\$6,182.75	\$2,619.24	\$3,757.18	\$6,376.42	\$193.67	3.1%
4"	75,000	\$9,746.88	\$12,967.75	\$22,714.63	\$9,968.19	\$13,356.78	\$23,324.97	\$610.34	2.7%

The information presented for Option 2 includes the additional funding of \$1.25 million in water capital projects in FY26 through FY28 and the additional funding of \$1.25 million in sewer capital projects in FY26 through FY28. This funding is in addition to what is in the City-maintained water and sewer CIPs.

Recommendations

It is important to the City that the proposed rate increases are mitigated as much as possible, given the current environment. It is also imperative for the City to continue to fund its water and sewer capital improvement plans. The projections in this memorandum include the full funding of the CIPs, as well as funding of additional capital improvements. The City should weigh the different options presented. Both options include the current rate structure. Option 1 includes straight rate increases only as well as a transfer of \$2.5 million to capital projects from retained earnings in both water and sewer across FY24 and FY25. It also results in retained earnings of 15% by FY 2028.

Option 2 is structured the same as Option 1. However, Option 2 assumes the availability of ARPA funding in the amount of \$2.5 million for both water and sewer across FY24 and FY25 rather than utilizing retained earnings. In doing so, Option 2 projects retained earnings of 20% rather than the 15% seen in Option 1 by the end of the five-year projection.

It is recommended that the City strongly consider adopting Option 1 as the City has not determined the use of ARPA funding to date. If the City chooses to utilize ARPA funding towards water and sewer capital projects, a mid-year rate adjustment can be performed to decrease the rates in line with Option 2 thus providing rate relief for consumers while maintaining healthy retained earnings and continuing to fund its water and sewer capital improvement plans.

It is important for the City to continue to fund its water and sewer capital improvement plans. The projections in this memorandum include the full funding of the CIPs, as well as funding of additional capital improvements.

The projections provided in the memorandum are based on many assumptions. We recommend that the water and sewer analyses conducted for the City are reviewed and updated each year. Assumptions, like, for example, planned expenditures and consumption trends, change year to year and it is important to capture those changes to ensure that the rate plans presented are based on the most accurate information available at the time.

If, in future years, retained earnings projections show balances lower than those acceptable to the City, the City can look at its planned expenses to see if any can be adjusted for a given year. This review should include any planned debt as the City can choose to push out planned debt a year or two, if necessary.

CITY COUNCIL ATTENDANCE
MEETING DATE: JUNE 13, 2023

	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 approve the Fiscal Year 2024 Retiree Health Insurance Appropriation and Authorization of Expenditures from the OPEB Trust Fund.



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

RESOLUTION # 32

R-2023- 32

A RESOLUTION APPROVING THE FISCAL YEAR 2024 RETIREE HEALTH INSURANCE APPROPRIATION AND AUTHORIZATION OF EXPENDITURES FROM THE OPEB TRUST FUND

WHEREAS, the City has established an Other Post-Employment Benefits (OPEB) Trust Fund in accordance with the provisions of G.L. c. 32B, s. 20; and

WHEREAS, monies contained within the OPEB Trust Fund are to be used solely for the purposes of funding non-pension post-employment benefits, i.e., the City's costs for health insurance for retired employees and their dependents; and

WHEREAS, pursuant to G.L. c. 32B, s. 20(h), the estimated amount necessary to be appropriated from the OPEB Trust Fund to fund the Fiscal Year 2024 annual budget for retiree health insurance to be \$4,370,000; and

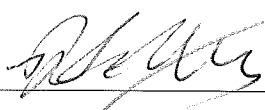
WHEREAS, the Treasurer, as Trustee of the OPEB Trust Fund, has certified that this amount will be available for appropriation from the OPEB Trust Fund; and

WHEREAS, G.L. c. 32B, s. 20 authorizes expenditures from the OPEB Trust Fund by 2/3rds vote of the City Council;

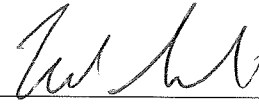
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Watertown hereby approves the appropriation of \$4,370,000 from the OPEB Trust Fund to fund the estimated Fiscal Year 2024 cost for retiree health insurance (said amount having been already included in the City's annual operating budget), by 2/3rd vote.

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 of 9 for, 0 against and 0 present on June 13, 2023.

A handwritten signature in black ink, appearing to read 'B. McCarthy', written over a horizontal line.

Brendan McCarthy, Council Clerk

A handwritten signature in black ink, appearing to read 'Mark Sideris', written over a horizontal line.

Mark S. Sideris, Council President



Megan Langan
City Auditor

CITY OF
WATERTOWN
Office of the City Auditor

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6460
www.watertown-ma.gov
mlangan@watertown-ma.gov

TO: Honorable City Council

FROM: Megan Langan, City Auditor 

DATE: June 13, 2023

RE: Proposed Resolution – Authorization of the Fiscal Year 2024 Retiree Health Insurance and Related Expenditures from the OPEB Trust Fund

As you are aware, the Honorable City Council adopted G.L. c. 32B, s. 20; at its meeting on January 22, 2019 which established the Other Post Employment Benefits (OPEB) Trust Fund.

As was mentioned during the Fiscal Year 2020 Insurance and Employee Benefits budget discussion at the Saturday May 18, 2019 budget hearing, one of the requirements of G.L. c. 32B, s. 20; is that the health insurance premiums for the City's retirees must be paid from the OPEB Trust Fund and must be authorized by a two-thirds vote of the City Council.

The attached resolution is being proposed for the City Council's consideration as part of the process in adopting the Fiscal Year 2024 Budget. As mentioned during the FY 21 budget process a similar resolution will need to be updated every year and voted upon as part of the City's Annual Budget process. The attached resolution has been updated from the resolution that the City Council adopted for the FY 2023 Budget.

I respectfully request your approval of this proposed resolution.

cc: Mark R. Reich, KP Law
All Department Heads

CITY COUNCIL ATTENDANCE
MEETING DATE: JUNE 13, 2023

	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 approve establishing Fiscal Year 2024 Expenditure Limits for Revolving Funds.



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

RESOLUTION # 33

R-2023- 33

A RESOLUTION ESTABLISHING FISCAL YEAR 2024 EXPENDITURE LIMITS FOR REVOLVING FUNDS

WHEREAS: revolving funds are established pursuant to the provisions of G.L. c.44, §53E ½ for the purpose of managing fees and revenues received by the Town for specific programs, allowing such fees and revenues to be expended for those programs without the need for further appropriation; and

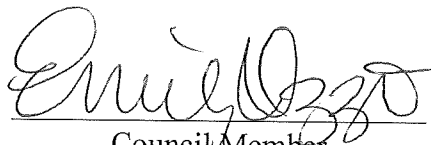
WHEREAS: traditionally, City revolving funds have been subject to annual reauthorization; and

WHEREAS: the Municipal Modernization Act, Chapter 218 of the Acts of 2016, includes revisions to the provisions of G.L. c.44, §53E ½, requiring that revolving funds be established by ordinance and eliminating the per board and total limitations on the size of these funds; and

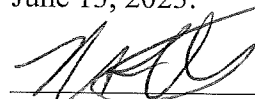
WHEREAS: the Honorable City Council previously adopted Ordinance 2017-47 which established eight revolving funds of the City;

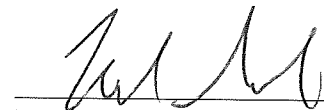
NOW THEREFORE BE IT RESOLVED: by the City Council of the City of Watertown that the following fiscal year spending limits for such revolving funds are hereby established:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Commander's Mansion	\$290,000
Organized Crime Drug Enforcement Task Force	\$1,000,000
Senior Center	\$35,000
Library Copier	\$25,000
Faire on the Square	\$35,000
Farmers' Market	\$46,000
Animal Control	\$17,500
Affordable Housing Development	\$0.00


Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against and 0 present on June 13, 2023.


Brendan McCarthy, Council Clerk


Mark S. Sideris, Council President

RESOLUTION #

R-2023-

**A RESOLUTION APPROVING THE FISCAL YEAR 2024 RETIREE HEALTH INSURANCE
APPROPRIATION AND AUTHORIZATION OF EXPENDITURES FROM THE OPEB TRUST FUND**

WHEREAS, the City has established an Other Post-Employment Benefits (OPEB) Trust Fund in accordance with the provisions of G.L. c. 32B, s. 20; and

WHEREAS, monies contained within the OPEB Trust Fund are to be used solely for the purposes of funding non-pension post-employment benefits, i.e., the City's costs for health insurance for retired employees and their dependents; and

WHEREAS, pursuant to G.L. c. 32B, s. 20(h), the estimated amount necessary to be appropriated from the OPEB Trust Fund to fund the Fiscal Year 2024 annual budget for retiree health insurance to be \$4,370,000; and

WHEREAS, the Treasurer, as Trustee of the OPEB Trust Fund, has certified that this amount will be available for appropriation from the OPEB Trust Fund; and

WHEREAS, G.L. c. 32B, s. 20 authorizes expenditures from the OPEB Trust Fund by 2/3rds vote of the City Council;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Watertown hereby approves the appropriation of \$4,370,000 from the OPEB Trust Fund to fund the estimated Fiscal Year 2024 cost for retiree health insurance (said amount having been already included in the City's annual operating budget), by 2/3rd vote.

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 of ____ for, ____ against and ____ present on June 13, 2023.

Brendan McCarthy, Council Clerk

Mark S. Sideris, Council President



Megan Langan
City Auditor

CITY OF
WATERTOWN
Office of the City Auditor

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6460
www.watertown-ma.gov
mlangan@watertown-ma.gov

TO: Honorable City Council

FROM: Megan Langan, City Auditor *ML*

DATE: June 13, 2023

RE: Proposed Resolution – Fiscal Year 2024 53 E1/2 Revolving Funds Expenditure Limits

As you are aware, the Honorable City Council adopted the attached Ordinance 2017 -47 at its meeting on June 27, 2017. The Municipal Modernization Act, Chapter 218 of the Acts of 2016 requires that revolving funds established pursuant to G.L. c.44, Sec. 53E1/2 be established by ordinance, which was completed by the adoption of ordinance 2017-47.

As you are aware, prior to the passage of the Municipal Modernization Act, the City would annually vote via resolution a spending cap for 53 E1/2 revolving funds.

Despite the Municipal Modernization Act, the annual expenditure limit for the 53 E1/2 revolving funds still needs to be re-authorized by the City Council via resolution. Please see the attached proposed resolution for Fiscal Year 2024.

For your information and review, attached is a spreadsheet outlining 4 years of revenue and expenditure activity for the 53 E1/2 revolving funds. Additionally, the proposed Fiscal Year 2024 Expenditure Limit for seven revolving funds are indicated on the spreadsheet.

I respectfully request your approval of the proposed resolution establishing the Fiscal Year 2024 Expenditure Limits on the seven revolving funds.

cc: Mark R. Reich, KP Law
All Department Heads



Watertown Town Council

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

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President

Michael F. Dattoli,
Councillor At Large

Anron P. Dushku,
Councillor At Large

Susan G. Palkoff,
Councillor At Large

Anthony Palomba,
Councillor At Large

Angelino B. Kounellis,
District A Councillor

Lisa J. Feltner,
District B Councillor

Kenneth M. Woodland,
District D Councillor

ORDINANCE # 47

O-2017- 47

AN ORDINANCE ESTABLISHING REVOLVING FUNDS

WHEREAS, revolving funds are established pursuant to the provisions of G.L. c.44, §53E ½ for the purpose of managing fees and revenues received by the Town for specific programs, allowing such fees and revenues to be expended for those programs without the need for further appropriation; and

WHEREAS, traditionally, Town revolving funds have been subject to annual reauthorization; and

WHEREAS, the recently enacted Municipal Modernization Act, Chapter 218 of the Acts of 2016, includes revisions to the provisions of G.L. c.44, §53E ½, requiring that revolving funds be established by ordinance and eliminating the per board and total limitations on the size of these funds.

NOW THEREFORE BE IT ORDAINED by the Town Council of the City Known as the Town of Watertown that the Watertown Code of Ordinances, Title III, Administration, Chapter 32, Finances, is hereby amended by inserting new Section 32.08 therein as follows:

§32.08 Revolving Funds

(A) There are hereby established in the Town of Watertown pursuant to the provisions of G.L. c. 44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this ordinance.

(B) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

(C) No liability shall be incurred in excess of the available balance of the fund.

(D) The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council or any increase therein as may later be authorized by the Town Manager and Town Council in accordance with the provisions of G.L. c. 44, §53E½.

(E) Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

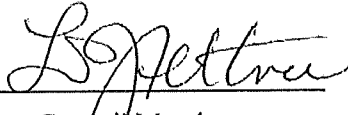
(F) Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
<i>Commander's Mansion</i> to pay costs associated with rental and use of the Commander's Mansion	Fees and receipts from rentals and use	Director of Community Development and Planning
<i>Organized Crime Drug Enforcement Task Force</i> to pay costs associated with the operation and equipping of the crime task force	Fees and receipts for task force rental and operations	Town Manager
<i>Senior Center</i> to pay costs associated with programs and activities provided at or by the Senior Center	Fees and receipts for program participation	Senior Center Director
<i>Library Copier</i> to pay costs of copier maintenance, materials, and equipping	Fees from copier usage	Library Director
<i>Faire on the Square</i> to pay costs associated with Faire activities	Fees and receipts received from Faire participants	Town Clerk
<i>Farmers' Market</i> to pay costs associated with the operation of the Farmer's Market	Fees and receipts from participation in farmers' market	Director of Community Development and Planning
<i>Animal Control</i> to pay costs associated with the operation of the Animal Control Program	Fees and receipts from the Animal Control Program	Director of Public Health
<i>Affordable Housing Development</i> to pay costs associated with the creation and/or preservation of affordable housing	Fees and receipts received in connection with affordable housing development	Director of Community Development and Planning

(G) Procedures and Reports. Except as provided in G.L. c. 44, §53E½ and this ordinance, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of Town funds shall apply to the use of revolving funds established and authorized by this ordinance.

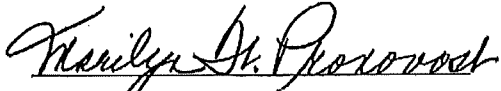
AND, BE IT FURTHER ORDERED by the Town Council, that the following fiscal year spending limits for such revolving funds are hereby established:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Commander's Mansion	\$230,000
Organized Crime Drug Enforcement Task Force	\$1,725,000
Senior Center	\$25,000
Library Copier	\$20,000
Faire on the Square	\$10,000
Farmers' Market	\$46,000
Animal Control	\$10,000
Affordable Housing Development	\$265,000



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 June 27, 2017.



Marilyn W. Pronovost, Council Clerk



Mark S. Sideris, Council President

RESOLUTION #

R-2023-

A RESOLUTION ESTABLISHING FISCAL YEAR 2024 EXPENDITURE LIMITS FOR REVOLVING FUNDS

WHEREAS, revolving funds are established pursuant to the provisions of G.L. c.44, §53E ½ for the purpose of managing fees and revenues received by the Town for specific programs, allowing such fees and revenues to be expended for those programs without the need for further appropriation; and

WHEREAS, traditionally, City revolving funds have been subject to annual reauthorization; and

WHEREAS, the Municipal Modernization Act, Chapter 218 of the Acts of 2016, includes revisions to the provisions of G.L. c.44, §53E ½, requiring that revolving funds be established by ordinance and eliminating the per board and total limitations on the size of these funds; and

WHEREAS, the Honorable City Council previously adopted Ordinance 2017-47 which established eight revolving funds of the City;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the following fiscal year spending limits for such revolving funds are hereby established:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Commander's Mansion	\$290,000
Organized Crime Drug Enforcement Task Force	\$1,000,000
Senior Center	\$35,000
Library Copier	\$25,000
Faire on the Square	\$35,000
Farmers' Market	\$46,000
Animal Control	\$17,500
Affordable Housing Development	\$0.00

Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of ___ for, ___ against and ___ present on June 13, 2023.

Brendan McCarthy, Council Clerk

Mark S. Sideris, Council President

CITY OF WATERTOWN
53 E 1/2 REVOLVING FUNDS
AS OF JUNE 13, 2023

	COMMANDER'S MANSION		ORGANIZED CRIME		SENIOR CENTER		LIBRARY COPIER		FAIRE ON THE SQUARE		FARMER'S MARKET		ANIMAL CONTROL	
	REVOLVING FUND	REVOLVING FUND	DRUG ENFORCEMENT	TASK FORCE	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND	REVOLVING FUND
FY 2020 REVENUE	\$ 96,326.25	\$	1,463,185.55	\$	10,282.00	\$	13,071.95	\$	27,554.00	\$	10,999.50	\$	13,372.50	
FY 2021 REVENUE	\$ 211,308.00	\$	1,626,083.76	\$	5,523.00	\$	519.77	\$	10,000.00	\$	16,069.50	\$	15,483.50	
FY 2022 REVENUE	\$ 242,170.95	\$	865,755.15	\$	4,090.00	\$	10,547.77	\$	23,090.00	\$	24,129.00	\$	16,065.00	
YTD FY 2023 REVENUE	\$ 249,433.53	\$	342,724.69	\$	8,346.42	\$	10,979.42	\$	29,340.00	\$	33,059.50	\$	14,190.00	
FY 2020 EXPENDITURES	\$ 224,223.23	\$	1,373,136.26	\$	9,432.05	\$	16,141.12	\$	24,172.29	\$	15,373.89	\$	5,384.51	
FY 2021 EXPENDITURES	\$ 156,801.10	\$	1,556,214.39	\$	832.22	\$	6,315.88	\$	801.00	\$	20,073.56	\$	4,144.15	
FY 2022 EXPENDITURES	\$ 243,978.38	\$	563,661.66	\$	9,244.42	\$	10,355.54	\$	31,774.60	\$	25,058.81	\$	6,724.10	
YTD FY 2023 EXPENDITURES	\$ 258,702.43	\$	349,687.47	\$	11,092.75	\$	12,398.63	\$	26,843.90	\$	30,441.40	\$	10,973.41	
CURRENT CASH BALANCE	\$ 66,897.28	\$	520,959.33	\$	18,459.74	\$	6,651.30	\$	3,115.61	\$	13,092.87	\$	55,941.62	
FY 23 AUTH. EXPEND. LIMIT	\$ 275,000.00	\$	1,000,000.00	\$	35,000.00	\$	25,000.00	\$	35,000.00	\$	46,000.00	\$	15,000.00	
PROPOSED FY 24 EXPEND. LIMIT	\$ 290,000.00	\$	1,000,000.00	\$	35,000.00	\$	25,000.00	\$	35,000.00	\$	46,000.00	\$	17,500.00	



Megan Langan
Town Auditor

CITY OF
WATERTOWN
Office of the City Auditor

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6460
www.watertown-ma.gov
mlangan@watertown-ma.gov

TO: Honorable City Council

FROM: Megan Langan, City Auditor *ML*

DATE: June 13, 2023

RE: Fiscal Year 2024 Community Preservation Fund Budget

The Community Preservation Act (CPA) requires that the City Council approve the Community Preservation Fund Budget. Furthermore, the CPA requires that the estimated revenue for each Fiscal Year be reserved as follows:

A minimum of 10% for Affordable Housing
A minimum of 10% for Historical Preservation
A minimum of 10% for Open Space/Recreation

Additionally, up to 5% of the estimated revenue may be appropriated for CPC Administrative purposes. The remaining estimated revenue would be reserved for designation for a later date.

As you may be aware, at the Community Preservation Committee (CPC) meeting on May 18, 2023 voted the following:

- On a motion made and seconded it was voted to request the City Council to appropriate and transfer from the fiscal year 2024 Community Preservation Funds (T= \$4,000,000) the following funds: 5% (\$200,000) for the administrative expense of the Community Preservation Committee, 10% to the affordable housing reserve (\$400,000), 10% to the historical preservation reserve (\$400,000), 10% to the open space/recreation reserve (\$400,000), and 65% to the undesignated fund balance (\$2,600,000).

Therefore, I would respectfully request that the Honorable City Council adopt this recommended action for Fiscal Year 2024.

Please be advised that before any project can be approved for funding by the CPC, the Honorable City Council would need to approve the funding of the project.

cc: Community Preservation Committee



George J. Proakis
City Manager

CITY OF
WATERTOWN
Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: June 8, 2023

RE: Agenda Item – An Extension Authorizing a Five Year Contract with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works recommending an extension to our current contract for another additional five years with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere.

I respectfully request the attached recommendation and favorable consideration to extend the contract be placed on the June 13, 2023 City Council Agenda.

Thank you for your consideration in this matter.



CITY OF WATERTOWN
DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET
WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent

(P) 617-972-6420
(F) 617-972-6402

TO: George Proakis – Watertown City Manager

FROM: Gregory M. St. Louis, PE - Superintendent of Public Works
Anya Pforzheimer – Recycling & Sustainability Coordinator

SUBJECT: FY24 Republic – Five-Year Contract Extension

DATES: June 7, 2023

Over the past year, The Department of Public Works has been refining and negotiating Watertown's next Solid Waste and Recycling Hauling Contract with Allied Waste Services of Massachusetts, LLC d/b/a Republic Services of Revere ("Republic"). We have discussed various ways to collect, remove, and transport waste and recycling stream from Watertown to an appropriate facility and discussed our continued desire to proactively address the Massachusetts 2030 Solid Waste Goals. As this time, there are no new public program/policy changes proposed.

Attached you will find a proposed amendment for a Five-Year extension to our existing contract. As you are aware, the existing one-year extension is set to expire June 30th. The City's contract negotiation comes during an unprecedented time of substantial market inflation and market volatility, and we believe a Five-Year extension offers some cost savings when other costs have increased substantially.

A few highlights of the Agreement that mimic the Public Works FY24 budget that was submitted to Council for review and approval include:

- 5-year Extension Proposal Year 1 Rates per prevailing wages and CPI for All Urban Consumers (Water, Sewer, Trash Collection Services)
- \$2,982,137 contract cost plus Pass Thru of Processing Fees
- \$120,000 Stanley Ave Operation run by RSG employees
- Roll Off Rates per Haul and pass through of recycling processing fees for:
 - o Recycling (including an option for a compactor)
 - o Yard waste
 - o Metal
 - o Hard plastic
- Hard Plastic is now hauled to a separate entity for reuse (benches, etc.)

We believe that the terms of service highlighted above meet the City's growing needs and goals and addresses the current and future market conditions. We will be available to the Honorable City Council's to discuss any details of the City's sanitation and recycling programs at its regularly scheduled meetings.



Sustainability in Action

Greg St Louis, PE
Superintendent of Public Works
City of Watertown
124 Orchard Street
Watertown, MA, 02472

RE: Proposal to Extend

June 2, 2023

Hello Greg,

On behalf Republic Services, we are excited about the continued partnership with the city of Watertown. For over 30 years, Republic has had the pleasure to work with Watertown and we hope to continue this partnership for many years to come. As follow up to our discussions below is our proposal to extend our collections contract with the multiple options as requested by the City effective July 1, 2023.

5-year Extension Proposal Year 1 Rates (Service As Is):

- **\$2,982,137 plus Pass Thru of Recycling Processing Fee, Yard Waste Disposal, and Roll Off per Haul.**
- **\$120,000 Stanley Ave Operation run by RSG employees**
- **Roll Off Rates per Haul plus pass through of recycling processing fee, yard waste, metal, and hard plastic disposal:**
 - **\$425/haul – Single Stream – Greenworks – Peabody, MA**
 - **\$425/haul – Yard Waste – Landscape Express, Hyde Park, MA**
 - **\$425/haul – Metal – Newbury Auto Sales, Newburyport, MA**
 - **\$950/haul – Hard Plastic – Conigliario – Framingham, MA**
- **Bulk Rate: no change from current rates**
- **Stanley Ave Recycling Compactor:**
 - **\$450/month rent**
 - **\$425/haul single stream to Greenworks**

Extension Terms:

Our proposal is conditional on the following

- **5-year term**
- **Annual Rate Adjustments.** Company shall increase the rates for all Services effective on each anniversary of the Effective Date of this Agreement in an amount equal to the most recently available trailing twelve (12) months' average in the Consumer Price Index



Sustainability in Action

for All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. City Average, as published by United States Department of Labor, Bureau of Statistics (the “CPI”).

- Prevailing Wage: Any increase in the prevailing wage above the annual WST rate index will be passed through as a rate adjustment.
- The Fuel Adjustment is to be based on the average three-month difference between the Weekly New England No 2 Diesel Retail Rates by All Sellers as published by the Energy Information Administration (EIA INDEX) and the baseline cost as proposed. The Baseline Fuel Price from June 2023 is \$4.14 per gallon (including taxes) of diesel fuel. The increase or decrease, as determined above, will be applied to the Baseline Gallons (estimated volume of fuel used) of 3,876 gallons per month. The monthly Fuel Adjustment to begin with the new contract year on July 1, 2023 and will be made quarterly on first day of each quarter, and any adjustment will be reflected in the monthly invoice to the Town of Watertown in equal monthly installments over the proceeding 3-month period. These adjustments are based on the previous 3 month average cost of diesel fuel as determined by the EIA Index referenced above. For example, the adjustment beginning July 1, 2023 covering the periods July, August, and September will be based on the average cost of diesel fuel for the period of April 1, 2023 – June 30th, 2023.
- The City will continue to be responsible for the disposal costs for the City’s Solid Waste volumes at Wheelabrator North Andover and will continue to allow Republic to redirect the Town’s volume through Republic’s Roxbury Transfer Station and then to Wheelabrator.
- Republic will invoice the City for the actual Recycling Processing credit or charge for the City’s recyclables each month based on the actual recycling costs incurred for the City’s recyclables volume without mark up. Our proposal reflect that Republic will invoice the City for credits or charges each month based on the actual tons. Republic and the City will review price and cost analysis to redirect recycling loads to Greenworks instead of Casella Charlestown. The City and Republic will mutually agree to any changes to any collection cost and processing costs per load or per ton.
- The City will provide an annual count of eligible service units and the City and Republic will mutually negotiate and agree on rate changes for increases in units.
- After the e-waste and white goods are collected curbside by appointment, they will be dropped in the appropriate roll off boxes at the Stanley Ave Drop Off Center. The residents will also be able to drop off white goods and e-waste at Stanley Ave in these roll off boxes. The City has their own disposal charge for the e-waste and white goods.
- Republic will invoice the City for Yard Waste Disposal at our partner end sites by a pass through of our costs.



Sustainability in Action

Please let me know if you have any questions or need any additional information. We appreciate our long-term partnership with the City, thanks for the considerations and the opportunity to continue to be the service provider to the City.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Tyler Finnegan".

J. Tyler Finnegan
Municipal Sales Manager
Republic Services

Cc: K Runge, D Higgins

**Watertown City Council
Committee on Human Services
Monday, December 15, 2022**

Members Present: Councilor Tony Palomba, Chair; Councilor Caroline Bays, Vice Chair; and Councilor John Gannon, Secretary

The Committee on Human Services held a public meeting on December 15, 2022, at 6:00pm to discuss rodent control measures in Watertown and to recommend changes to be made.

1. Call to Order

Committee Chair Palomba called the meeting to order at 6:05pm and introduced the other committee members present: Caroline Bays, Vice Chair; and John Gannon, Secretary. Also present during the course of the meeting were City Councilors Emily Izzo, John Airasian, and Nicole Gardner, as well as Watertown Health Department Director Larry Ramdin and Department of Public Works Director of Administration and Finance Tom Watkins, and over 20 members of the community, either in person or via Zoom.

This meeting was called to address a referral from the City Council relative to rodent control measures in Watertown and whether improvements may be made.

Councilor Bays stated that she had made an information request to the Council for information on rodent trap locations, types of traps, and management of traps. Councilor Gannon stated that he had previously made an information request to the Council for information on whether the City may legally ban rodenticides as a rodent control measure either citywide or for city properties only.

The committee heard from many residents sharing concerns on the overwhelming growth of the rodent problem in Watertown, as well as concerns with the number and types of rodent traps. Councilor Palomba stated that he is torn between feeling like we're finally doing something with respect to rodents and having concerns on the impact of the rodent traps. He noted the impact of East End development on the rodent problem. He noted that State Representative Steve Owens had sent a letter on the issue to City officials.

Eileen Ryan stated her concern that the 250 rodent control boxes on Mount Auburn Street had rodent poison that kills other wildlife. While such traps are cheaper than other traps, they can cause serious environmental harm. She expressed her concern that the City should utilize other solutions, including elimination of food sources for rodents.

Pat Rathbone asked a question on which entity has to approve the rodent traps. Councilor Palomba stated that city contractors are required to have a rodent control plan to be utilized during construction. Presumably, the Building Inspector is charged with monitoring such plans. This committee will seek to determine the areas of responsibility.

Other residents expressed their concerns about the rodent traps placed on Mt. Auburn Street. Councilor Palomba stated that he was aware that National Grid had also placed rodent control traps in the city.

Health Director Larry Ramdin addressed the placement of rodent traps. He stated that there is a need to bait the rodent traps in order to reduce the rodent population. He stated that the Department of Public Works places traps and that other departments monitor rodent control plans. Her stated that the departments have convened a task force to coordinate on rodent control issues, and that the Health Department would be in charge of the task force. He stated that education on rodent issues is key. To that end, he added information on rodents to the Health Department website. He also stated that the Health Department has a minimal budget to use a private contractor to address rodent issues. This contractor utilizes carbon monoxide in its traps. He stated that the Health Department will monitor vacant properties for rodent conditions. He noted that the Health Department had taken one property owner to court to remediate sanitary conditions on its property.

Mr. Ramdin stated that the task force would meet again in January. He would like the task force to create a comprehensive rodent control plan. The task force comprises the Health Department, DPW, Department of Buildings and Grounds, and the City Manager's office. He had looked at rodent traps utilized by the City of Somerville that use electricity to kill rodents and to alert the City of deceased rodents in the trap. He stated that such traps cost \$1,600 each and may be too expensive to use in Watertown. He stated his opinion that the Health Department could use more staff to monitor rodent concerns citywide. One such role the Health Department will take on is to monitor rodent control plans across the city.

Councilor Gannon commended the Health Department for utilizing legal efforts to address problem property owners and urged the department to continue doing so, as it is important to alert property owners that enforcing health regulations will be a priority. Councilor Gardner suggested using social media to inform residents about rodent control measures.

Councilor Palomba asked DPW Director of Administration and Finance Tom Watkins about the role of DPW in setting rodent traps. Mr. Watkins stated that both the DPW and National Grid set rodent traps on Mt. Auburn Street as a proactive measure, anticipating that street construction will displace numerous rodents. They used a standard brand of poison to bait the traps, which he stated was a common product. Councilor Gannon asked Mr. Watkins about the poison contents. He replied that contractors use the poisons, as well. He will speak to the task force about utilizing different types of rodent traps. Councilor Gannon suggested that the City Council could deny National Grid and other utilities requested permit locations if they utilize unsafe rodent control measures.

In response to a question about rodenticides used in traps, Mr. Ramdin stated that the federal Environmental Protection Agency regulates the pesticides that can be used. He stated that rodents eat rodenticides in the traps, then go back to their nests to share the poison with their nest mates. Residents questioned whether other types of traps could be used, such as those that contain rodent birth control chemicals. Mr. Ramdin stated that her had never seen such a trap, but that the task

force will review options. Councilor Palomba suggested that the task force look ahead to use of safe practices in rodent baiting. He would like to hear updates on the progress of the task force. He would like to see the task force present a policy brief in January addressing rodent control measures. Councilors Gannon, Gardner and Palomba reiterated that they would like to assure that safe rodent control traps be utilized for both public and private properties.

Councilor Bays had to leave the meeting prior to the close of the meeting. Councilor Gannon stated that there were no additional emails.

Councilor Gannon moved to adjourn the meeting and continue the Committee's discussion on rodent control measures to January. The motion was seconded by Councilor Palomba. The motion was approved 2-0.

The meeting adjourned at 7:45pm.

The meeting minutes were prepared by Councilor John Gannon.

**Watertown City Council
Committee on Human Services
Tuesday, January 31, 2023**

Members Present: Councilor Tony Palomba, Chair; Councilor Caroline Bays, Vice Chair; and Councilor John Gannon, Secretary

The Committee on Human Services held a public meeting on January 31, 2023, at 5:30pm to continue a discussion on rodent control measures in Watertown and to recommend changes.

1. Call to Order

Committee Chair Palomba called the meeting to order at 5:35pm and introduced the other committee members present: Caroline Bays, Vice Chair; and John Gannon, Secretary. Also present during the course of the meeting were City Councilors Lisa Feltner and Nicole Gardner. City staff present were Department of Public Works Superintendent Greg St. Louis, DPW Director of Administration and Finance Tom Watkins and Stephen Addonizio from the City Clerk's office, and many members of the community, either in person or via Zoom.

This meeting was called to address a referral from the City Council relative to rodent control measures in Watertown and whether improvements may be made.

Councilor Palomba opened the meeting by noting that Health Department Director Larry Ramdin was not present, and he had not sent to the Committee a policy paper that was discussed at the Committee's prior meeting of December 15, 2022. At the prior meeting, Councilor Palomba noted that many residents provided testimony expressing their concerns about poisons that are contained in rodent traps killing other animals. The Committee had also discussed that rodent control measures should be considered a city problem, and not an individual landowner problem, due to the upheaval of the rodent population resulting from construction and other disruptive activities.

DPW Superintendent Greg St. Louis addressed some of the rodent control issues. The city will be looking at removing hazardous poisons from bait stations and looking at so-called smart control measures. The city will also be looking at diversifying rodent control plans. He stated that the extent of rodent control measures is a new process, and we are about to be moving into a larger phase, as construction projects commence. The Mt. Auburn reconstruction project will be bid out in November, and construction will start during 2024. He stated that construction RFP's will require a less lethal rodent trap and encourage the use of smart boxes. Councilor Palomba noted that the DPW webpage has a page on rodent control FAQ's.

Resident Karen Russo of Birch Road noted the influx of rodents in her neighborhood. The building construction of 85 Walnut Street abuts her property. She has complained to the Health Department. She noted that there are no rodent traps on Birch Road, even though the construction plan calls for a rodent control plan. Councilor Palomba informed Ms. Russo that she should continue calling the Health Department, as he informed the Committee at the last meeting that the Health Department would serve as the focal point for rodent complaints.

Janet Erlick of Williams Street stated that her street has a larger population of rodents than she's ever seen. She noted that an adjacent parking lot has a dumpster and a clothing donation box where rodents congregate. She was likewise instructed to reach out to the Health Department. A resident of Capital Street also informed the Committee of an increase in rodents in her neighborhood. When she called the Health Department, she was informed that she needed to hire an exterminator. When she contacted the exterminator, she was informed that if she contracted with that company there was no guarantee that the rodents wouldn't come back. She said she never had problems with rodents before.

Councilor Feltner stated that she would like to know the locations of the rodent control plans. She noted that there are extensive construction activities on Galen Street and Arsenal Street. She has observed many rodents. Councilor Palomba stated that the questions should be addressed to Larry Ramdin, but he was not present. Several residents expressed fears of the growing rodent populations in their neighborhoods. One stated that rodents ate through her hard plastic city-issued trash and recycling barrels. Some thought that in situation like that the City should pay for a new trash totter and recycling totter.

Larry Ramdin subsequently arrived at the meeting. When asked about the status of the promised white paper on rodent control since the Committee last met on December 15, 2022, Mr. Ramdin responded that he had waited for the new Deputy City Manager to be appointed prior to working on the report. Councilor Palomba noted that the Committee at the December meeting had asked a lot of questions regarding the rodent traps, who's responsible for developer rodent control measures, the types of rodent traps used by the various city departments using such traps. He noted that Mr. Ramdin had stated that he would be the lead city official on rodent issues and had promised to deliver the policy brief. He wants to know how the task force will work. Mr. Ramdin stated that the Health Department policy regarding complaints is to review rodents in a larger area beyond the location of the property cited. The Health Department has a complaint tracking system, sometimes health officials place traps in these areas. Councilor Palomba asked what data the Health Department collects, and how many cases are addressed in each month. Mr. Ramdin stated that there were 536 rodent complaints in the last two years, but he could not provide further details.

Councilor Palomba asked how the task force will develop the rodent control plan. He stated that he would like to see the plan issued by the task force by the end of the fiscal year, so that additional funding for remediation programs could be included in the FY2024 budget. Mr. Ramdin stated that he could get the task force plan completed by the end of the calendar year. Councilor Palomba stated that he would like to see the complaint data be used to demonstrate where rodent complaints across the city are highest. Councilor Palomba reiterated his request that the rodent control policy brief be shared with the Committee by the time of the Committee's February meeting.

Councilor Gannon moved to adjourn the meeting and continue the Committee's discussion on rodent control measures to February. The motion was seconded by Councilor Bays. The motion was approved 3-0. The meeting adjourned at 7:15pm.

The meeting minutes were prepared by Councilor John Gannon.

Watertown City Council
Committee on Human Services
Councilor Palomba-Chair, Councilor Bays-Vice Chair, Councilor Gannon-Secretary
Committee Report – Meeting on March 23, 2023

The Committee on Human Services held a public meeting on March 23, 2023 at 6:30 PM in the City Council Chambers to continue the discussion of the establishment of a City-wide Rodent Control Plan. This was a hybrid meeting so residents could join on Zoom. Also, questions and comments could be sent to Councilor Gannon at jgannon@watertown-ma.gov. Finally, the meeting was recorded by WCATV and will be broadcasted at a future date.

Present at the meeting were Councilor Tony Palomba, Chair; Councilor Caroline Bays, Vice Chair; and Councilor John Gannon, Secretary. Also attending from the Administration was Larry Ramdin, Director of the Health Department and on Zoom, Tom Watkins, Director of Administration and Finance for the Department of Public Health. Residents in attendance were Adrine Beurjlian, Eileen Zubrowski, Karen Russo, Janet Erlick, Susan Percoc-Barbato, Mary Marcus, and Jacky van Leeuwen (on Zoom).

The meeting began with testimony from residents regarding rat sightings in their neighbors, particularly in the Walnut Street area and in the Galen Street area where major life-science developments are being built. This led to a discussion of who is responsible for monitoring the rodent control programs at construction sites. Mr. Ramdin explained it was the Health Department's task though he has encountered resistance from the developers on Galen Street and that it has been difficult for his staff to keep up the review of the rodent plans at the many developments in the city. Residents expressed their dissatisfaction with the situation particularly since this is not the first time they have voiced their concern.

Mr. Watkins shared new information that the Department of Public Works (DPW) has taken to address the rodent problem.

1) They have contracted with Anticimex to install 80 SMART Technology traps which electrocute the rat. Forty of have been placed on Arsenal Street and 30 on Mt. Auburn Street, and 10 at various locations in the city. The traps allow for the collection of data noting the day and time the rat was killed. The data will be collected and shared with the DPW. The vendor is responsible for removing the dead rodent. The traps were installed approximately two weeks ago (during the week of March 6) and there will be real numbers on the effectiveness of the traps within one or two months. The Committee requested that the information be shared with the City Council. Mr. Watkins will also provide the cost of the new traps.

2) The 200 existing traps on Mt. Auburn Street and the 50 – 100 traps set on streets off of Mt. Auburn have been baited with a new product, Terad3 which is said to be less damaging to animals who consume rodents that have been poisoned.

It was noted that one of the problems is that there are different vendors using different traps throughout the city. In addition to each developer hiring a company, there are companies hired by different city departments and that having multiple vendors in town makes data collection and the comparison of data to measure effectiveness difficult. Again this would fall to the Health Department and Mr. Ramdin said the new Rodent Control Working Group, composed of representatives from the Health Department, the Department of Community Development and Planning, the Department of Public Buildings, the Department of Public Works and the City Manager's Office are working to address this issue.

The Committee turns its attention to two questions, and the corresponding legal recommendation and rules, submitted by Councilor Gannon at a November meeting of the City Council under the agenda item “Request for Information”. The two questions where:

- 1) Can the City of Watertown legally vote to ban the use of rodenticides, or similar measures, citywide?
- 2) Can the City of Watertown legally vote to ban the use of rodenticides or similar measures, on city property, include public ways and parks?

Councilor Gannon reviewed the opinion of the City’s attorney, KP Law as well as rulings from the Attorney General’s office regarding the towns of Arlington and Belchertown and their efforts to control the use of rodenticides. (See attachments.) In sum and pertaining to Watertown, the City can regulate the use of rodenticides on city-owned property including streets, sidewalks and buildings by ordinance, but cannot regulate the use of rodenticides on private property.

The Committee then heard a presentation by Mr. Ramdin entitled, “Rats in Watertown” which was the second draft of his city-wide rodent control policy brief. (Attached are the first draft presented at an earlier meeting and the second draft presented at this meeting.)

The draft Plan included sections on:

- rat facts including that rodents can’t be eliminated but only controlled
- present city rodent control activities
- description of the roles of various city departments as well as the roles of the Zoning Board of Appeals and the Zoning Officer
- -the specific response procedures to complaints by the Department of Health and data on the number of complaints between 2019 and 2022
- activities of the Rodent Control Working Group
- Future Actions

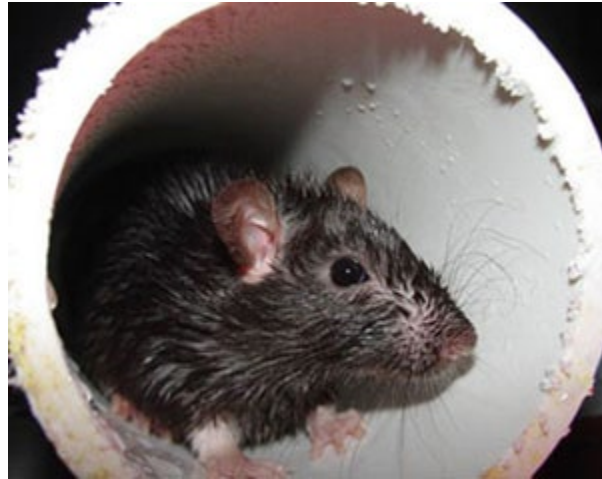
Unfortunately the Plan could not be shown on the Chamber screens which made it impossible for those on line to see it. Copies of the Plan were distributed to members of the audience and to the Committee. Comments from the Committee included:

- concern that the Plan was too board
- the need for more details in the Future Actions sections
- request that it included goals, strategies, action steps, timelines, evaluation criteria and costs

The meeting concluded with a request by the Committee that while the city-wide plan is being developed that the Health Department more vigorously review the rodent control plans of developers and if the developer is out of compliance with their plan that there be action taken to enforce accountability.

Councilor Bays made a motion to adjourn, Councilor Gannon seconded the motion and it was passed 3 – 0.

Minutes were prepared by Councilor Palomba



Rats in Watertown

Presented by

Larry Ramdin

Director of Public Health

Introduction

Rats are said to have arrived in the United States(US) in the 18th century on ships from Europe. These rats have spread across the US. The main rat of concern to us in Watertown is the Norway Rat (*Rattus norvegicus*) or Brown Rat. It has been suggested by some researchers and others in the pest control industry that the recent COVID-19 outbreak where many businesses, restaurants, schools and other commercial entities were closed. This led to rats leaving their normal habitats to seek food in nontraditional areas and migrated to two neighborhoods it's search of shelter and food. Additionally, with more people being home it was easier to see what was happening in the neighborhoods.

The milder winters we have been experiencing over the past few years is another cause for the increasing rodent population.

Also, construction and other noisy activity that includes digging and vibrations will displace the rodent population.

Rats require food, harborage, and water to survive in the environment.

Rodent Control Activities are focused on population reduction and impact on human population. Elimination of rats in the community is not feasible.

Rat Facts

According to the Indiana Department of Public Health (**Norway Rats: Illinois Department of Public Health, Prevention and Control** retrieved from <http://www.idph.state.il.us/envhealth/pcnorwayrat.htm>)

- Rats will eat nearly any type of food, but they prefer high-quality foods such as meat and fresh grain. Rats require 1/2 to 1 fluid ounce of water daily when feeding on dry food.
- Rats have keen taste, hearing and sense of smell.
- They will climb to find food or shelter, and they can gain entrance to a building through any opening larger than 1/2 inch across.
- The Range of the Norway rat is 25-100 feet from its nest. However they will travel for greater distances in urban tracts: Sewers, Storm drains, rail beds etc.(Corrigan, 2001)

City of Watertown Rodent Control Activities

Rodent Control response activities in the city are done by pest control contractors hired by multiple departments. The use of pesticides is governed by the MA Department of Agriculture and the EPA.

All City Departments are currently requiring the use of low toxicity baits and other control methods that are not harmful to non-target, secondary predators, examples are Terad 3(Cholecalciferol), use of Carbon Monoxide and Integrated Pest Management methods.

- The Health Department has primary responsibility for responding to resident complaints and taking action to mitigate rodent infestations on public property and serve orders to private property owners to take action to reduce harborage conditions and infestations. They enforce the Food Establishment, Housing and nuisance regulations to ensure rodent infestations are reduced. Additionally, they host a webpage that provides information on actions residents can take to reduce the rodent impact in their neighborhood. [Rodent Control | Watertown, MA - Official Website \(watertown-ma.gov\)](http://www.watertown-ma.gov/rodent-control)
- The Department of Public works is responsible for addressing current infestations in public parks, outside public buildings, and community public works projects. They also issue street opening permits for third party street projects. There are permitting requirements that include rodent mitigation efforts.
- The Public Buildings Department is responsible for internal pest control treatments in public buildings including schools. Pest control in schools is governed by the *Act to Protect Children and Families from Harmful Pesticides*. The Act requires an integrated pest management plan that must be filed with the Department of Agriculture. Those plans are site specific and require notification to all families on the use of pest control chemicals in the schools.
- The Department of Community Development and Planning Department (DCDP) includes Planning, Zoning and Building Officer. Each subunit has its own processes that help to address pest mitigation.

When a Planning or Zoning Board of Appeals (ZBA) decision is rendered by the Board that decision typically includes a requirement for the applicant to engage in rodent mitigation efforts prior to start and over the life of the construction project.

The Zoning Officer oversees the Zoning regulations and helps to address conditions that may contribute to rodent harborage on properties in the community. They work in close collaboration with other offices in the DPCP, the Health Department and DPW.

The Building Department issues permits for construction and demolition. As part of the demolition permit application process, they require a pest control plan to be included in

their application and concurrence with the plan by the Health Department. If there is any construction work that includes extensive excavation and vibration, a rodent mitigation plan is also required.

Health Department Rodent Control Response Procedures

The Health Department is the primary city agency responsible for rodent mitigation activities.

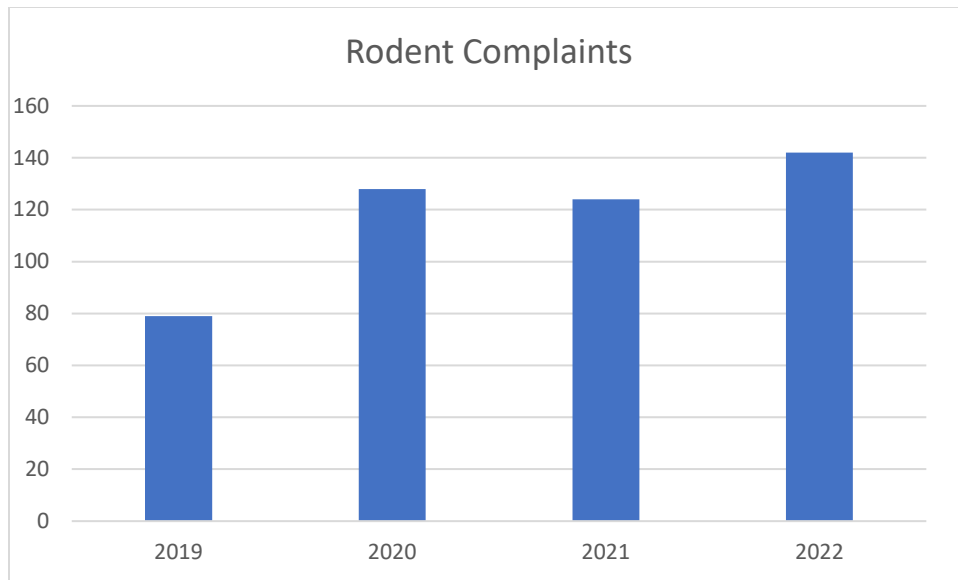
The Department also oversees dumpster /trash management in restaurants, Rental properties and other areas under the:

- Food Code
- Housing code
- General Nuisance law (MGL Chap 111, s122)

How the Health Department addresses complaints:

- Complaints are received through our electronic portals see click fix, by phone, e-mail and walk-ins.
- When these complaints are received. They are recorded in our electronic complaint register and a staff person is assigned to investigate the complaint.
- If the complaint is not anonymous, we will contact the complainant and get additional information and schedule a time to meet with them to get a better understanding of the complaint.
- We will assess the infestation and identify root causes for the complaint. This can mean walking the entire neighborhood to identify possible causes of the infestation.
- Once these have been identified they will act and serve notice on the party responsible for contributing to the infestation to remedy the situation and remove all possible causes of the infestation.
- If compliance is not met and the situation causing the infestation is not remedied, tickets or court action may be instituted against the party contributing to the infestation. The city's legal department provides support advice and assistance in resolving the legal issues.
- The Health Department also treats rodent infestations on public ways and sewers in response to resident complaints. Additionally, they ensure that developers are meeting the requirements of their planning approval. In 2022, 25 neighborhoods were treated for rodent problems

The Health Department has seen an increase in rodent complaints over the last few years.



Department of Public Works

The DPW has proactively started baiting on the Mt. Auburn Street corridor in anticipation of extensive roadwork. They have deployed bait stations above ground and are actively baiting the sewers to reduce the rodent population so that the abutting neighborhoods are not significantly impacted. They are utilizing low toxicity baits and have deployed 80 electrocutor “Smart boxes” to reduce the impact on non-target species.

Rodent Control Working Group

A Rodent Control workgroup was established to address resident concerns on rats in the neighborhoods and ensure a collaborative approach is used in addressing the rodent concerns.

The Work Group consists of the:

- Health Department
- Department of Community Planning and Development
- Department of Public Buildings
- Department of Public Works

The workgroup will continue to meet monthly to discuss and develop collaborative strategies to reduce the rodent population in Watertown.

Future Action:

- Continue DPW efforts to do multiple baiting around public property/projects.
 - Evaluate the approach currently being piloted on Mt. Auburn Street, which includes blanketing the surrounding area with multiple different rodent-control techniques, including SmartBoxes. If the pilot proves to be effective, expand the approach to other areas with rodent infestations.
 - Consolidate third-party rodent-control services & ensure best practices in contracts, including monitoring and reporting.
 - Continue experimenting with new rodent-control techniques (e.g., electrocution, drowning, fertility control, etc.) measure and report results.
 - Commit to continue using bait that does not have secondary toxicity; consider having Board of Health and/or council limit use of these pesticides on private sites.
- Take positive action to reduce reinfestation, such as closing burrows, removing food sources, entry points and other pest harborage conditions.
- Increase resident outreach, education, and engagement through public announcements, social media (e.g., Rat Tip of the Day), and more.
- Continue strict enforcement of the sanitary and food code and nuisance law to reduce opportunities for rodents to live and feed in Watertown.

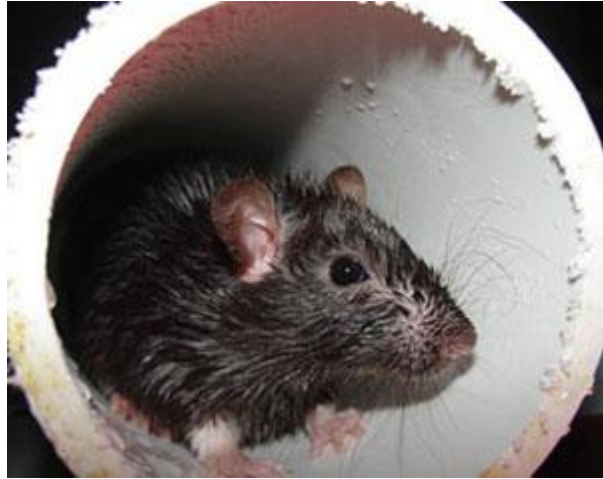
References

Centers for Diseases Control: How to Control Wild Rodent Infestations January 2023, retrieved from <https://www.cdc.gov/healthypets/pets/wildlife/rodent-control.html>

[Corrigan , Robert: Rodent Control a practical guide for Pest management Professionals.GIE Media , Cleveland. 2001](#)

Norway Rats: Illinois Department of Public Health, Prevention and Control retrieved from <http://www.idph.state.il.us/envhealth/pcnorwayrat.htm>

[Rodent Control | Watertown, MA - Official Website \(watertown-ma.gov\)](#)



Rodents in Watertown

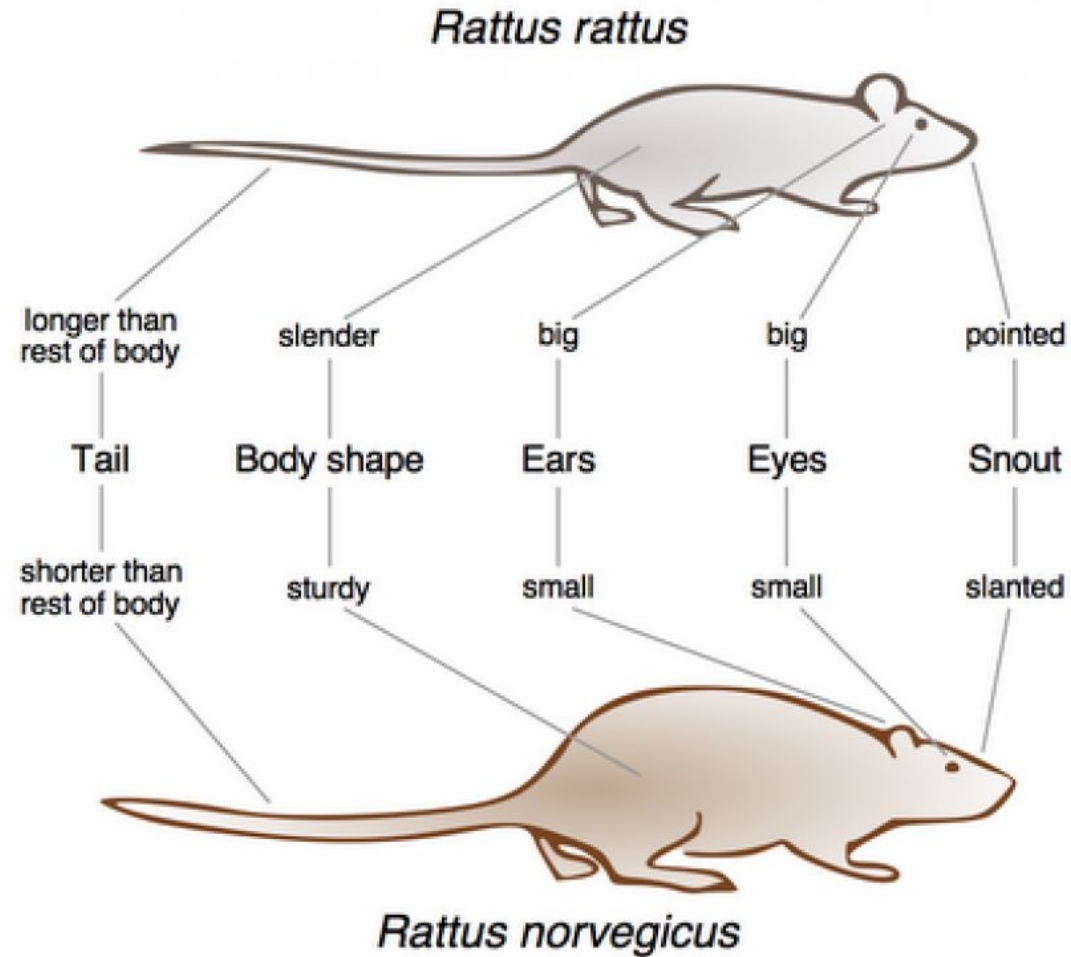
Larry Ramdin

Director of Public Health

History

- Rats originated in Asia and made their way to Europe there are two Rats of Public concern
 - *Rattus norvegicus* : The Brown Rat/Norway Rat
 - *Rattus rattus* : Black Rat
 - *Rattus rattus* is not a concern in eastern MA
 - It has been suggested that the Brown rats arrived in the US in the late 1700's

Comparison



Brown Rat Facts

- Black or brown with lighter underside
- 15-20 inches head to tail
- Average weight 12oz male, 9oz females 35 oz
- Nocturnal in nature, but will be seen feeding in daylight when there is a high population
- Keen sense of smell
- Gestation period 21-22 days
- Females come in heat every 4-5 days and will breed 2-5 days after delivering litter
- Litter 6-12 pups- independent in 3-4 weeks sexual maturity at 8-12 weeks

Brown Rat Facts

- Poor eyesight and color blind
- Keen sense of smell
- Good Swimmers and climbers
- Good hearing

Brown Rat Facts

- Rats live in burrows with multiple entrances
- Omnivorous
- Range 25 – 100 feet from nest normal range
- Will travel several hundred feet to feed
- Some rats have been noted to travel up to 4 miles to follow sewer and pipe trails

Needs

- Rodents need:
 - Food(anything that will provide sustenance
 - Water
 - Harborage: places for them to live
 - They will pass through openings that allows their head to pass approx. $\frac{1}{4}$ inch)

Distribution

- Rats are distributed almost evenly across Watertown
- Concentrations found in the East Watertown Area between Arsenal and Belmont Streets
- Pleasant Street Corridor

Control

- Eliminate sources of Food, Water and harborage
- Identify Activity areas
- Bait/ Trap

Food

- Open Dumpsters/ garbage cans
- Bird Feeders and spilled seeds
- Bread intended for birds
- Unharvested garden produce
- Grass
- Improperly disposed Animal fecal waste
- Litter and food scraps/spills

Water

- Animal bowls
- Depressions that hold water
- Blocked drainage
- Improperly discarded waste especially containers that can hold water

Harborage

- Holes in ground
- Sewers
- Basements
- Low lying Bushes plants
- Dead spaces under porches and sheds
- Crawlspace
- Spaces in stone walls

Control

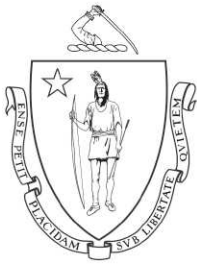
- Follow guidance and information on how to control for rodents on your property
 - <https://www.watertown-ma.gov/627/Rodent-Control>
 - <https://content.civicplus.com/api/assets/982e5a6a-63e8-4bcd-9a35-dba9e1e1ec41?cache=1800>
- Eliminate Dead spaces around your property including low lying shrubs newr to building
- Pre-treatment of all construction work and rodent surveys for demolition work

Actions

- Complaint received by Health Department
 - Staff assigned to do a local survey of complaint and identify areas of harborage, food and water
 - Actions recommended to property owner or City send request to Pest Control provider
 - Decision on method of treatment is left to the Pest Control Provider based on extent of th problem
 - The Health Department is currently requiring(as far as possible) low toxicity means of rodent control including: low toxicity baits, baits in bait boxes,
 - Carbon Dioxide

Recommendations

- Develop A community wide Rodent Control plan
 - Health Department manages the monitoring of development and vacant property Rodent control plans
 - Create more visibility of rodent control actions by the City
 - Require active rodent management by developers
 -



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

10 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

December 19, 2022

Juliana Brazile, Town Clerk
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

**Re: Arlington Annual Town Meeting of April 25, 2022 -- Case # 10690
Warrant Articles # 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 41, 42, 43,
and 44 (Zoning)
Warrant Articles # 6, 7, 8, 10, 11, 12, 15, 16, and 18 (General) ¹**

Dear Ms. Brazile:

Article 18 - Because the Town has not yet obtained the special legislation that is necessary for a town to adopt a by-law regulating rodenticides, we place Article 18 on “hold” pending receipt of the requested special legislation. ²

I. Summary of Article 18

Under Article 18 the Town voted to adopt a new general by-law, “Use of Second-Generation Anti-Coagulant Rodenticides,” that requires certified and commercial pesticide applicators to register with the Town (and pay registration fee) and notify the Town prior to applying second generation anti-coagulant rodenticides. The Town’s Department of Health and Human Services is authorized to adopt regulations to administer the by-law. The by-law imposes fines for failure to comply.

The Town also voted to authorize the Select Board to petition the Legislature for a special act to authorize the Town’s adoption of the Rodenticides by-law. ³

¹ In a decision issued on September 29, 2022, we approved Articles 6, 7, 8, 10, 12, 15, 16, 28, 29, 31, 32, 33, 34, 35, 36, 37, 39, 41, 42, 43, and 44. By agreement with Town Counsel as authorized by G.L. c. 40, § 32 we extended our deadline for a decision on Articles 11, 18, and 30 by 90 days through December 28, 2022.

² During our review of Article 18 we received communications in opposition from the New England Pest Management Assoc. and Terminix (now Rentokil/Terminix). We appreciate these communications and they have aided us in our review of Article 18.

³ We take no action on that part of Article 18’s vote that authorized the filing of a petition for special legislation.

II. Absent a Special Act, Article 18 is Preempted by the Massachusetts Pesticide Control Act

The Massachusetts Pesticide Control Act (“Act”) both expressly (by the Act’s text) and impliedly (because “the purpose of the [Act] would be frustrated [by the by-law] so as to warrant an inference that the Legislature intended to preempt the field.”) preempts the use of herbicides, rodenticides and other pesticides in a Town. See St. George Greek Orthodox Cathedral of Western Massachusetts, Inc. v. Fire Department of Springfield, 462 Mass. 120, 125-126 (2012) (quoting Wendell v. Attorney General, 394 Mass. 518 (1985)).

General Laws Chapter 132B establishes the Massachusetts Department of Agricultural Resources’ (MDAR) “exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the commonwealth . . .” G.L. c. 132B, § 1. General Laws Chapter 132B, Section 2 defines “Pesticide” as “a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. . .” The Act establishes a Pesticide Board within MDAR (Section 3), and authorizes the Pesticide Board to register pesticides for use in the Commonwealth if the Board determines that “a pesticide, when used in accordance with its directions for use, warnings and cautions and for the uses for which it is registered. . . will not generally cause unreasonable adverse effects on the environment. . .” (Section 7).⁴ The Act prohibits application of a registered pesticide in a way that is inconsistent with its labeling or other restrictions imposed by the MDAR (Section 6A).

The Act includes an express statement of intention to preempt local regulation of the application of pesticides: “The exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of in the commonwealth shall be determined by this chapter.” G.L. c. 132B, § 1, as amended by Chapter 264 of the Acts of 1994. Further, MDAR has repeatedly confirmed the preemptive effect of the Act and regulations over pesticide application.⁵

Even if the Act did not include a statement of express preemption, the Act impliedly preempts local regulation of pesticide application. The purpose of the Act and Regulations is to have centralized and uniform regulations for the use of pesticides in the state. Town of Wendell, 394 Mass. at 518

Votes to authorize the filing of special act petitions are not by-law amendments and are not subject to review by this Office. See G.L. c. 40, § 32.

⁴ MDAR defines “Use of a pesticide” in 333 CMR § 10.02 to include the following: any act of handling a pesticide, releasing of a pesticide, or exposing of man or the environment to a pesticide, including, but not limited to: (a) Application of a pesticide including mixing or loading of equipment and any supervisory action in or near the area of application. (b) Storage actions relative to pesticides and pesticide containers carried out or supervised by an applicator. (c) Disposal actions relative to pesticides and pesticide containers carried out or supervised by an applicator. (d) Transportation actions relative to pesticides and pesticide containers except those by carriers and dealers.

⁵ We disapproved similar prohibitions on the use of pesticides in decisions issued to the Towns of Belchertown on November 14, 2022 (Case # 10613), Hopkinton on April 19, 2022 (Case # 10454), and Wellfleet on September 7, 2016 (Case # 7919).

(town by-law regulating the use of pesticides in town frustrates the statutory purpose of centralized regulation of pesticide use). By prohibiting pesticide application, the by-law imposes an additional layer of regulation at the local level. This additional local regulation prevents the achievement of a statewide determination of the reasonableness of the use of a specific pesticide in particular circumstances that frustrates the purpose of the Act. Id. at 529.

III. Conclusion

Because of the preemptive effect of the Act, the by-law has no lawful effect without the requested special legislation. We thus place this by-law on “hold” pursuant to G.L. c. 40, § 32 pending receipt of the requested special legislation.

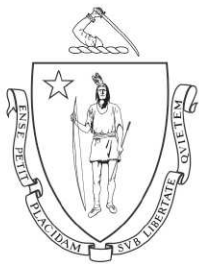
Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Douglas W. Heim



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION

10 MECHANIC STREET, SUITE 301

WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

November 14, 2022

Theresa A. Camerlin, Town Clerk
Town of Belchertown
P.O. Box 629
Belchertown, MA 01007

RE: Belchertown Annual Town Meeting of May 9, 2022 - Case # 10613
Warrant Articles # 18, 19, 20, and 22 (Zoning)
Warrant Article # 28 (General)

Dear Ms. Camerlin:

Article 22 - Under Article 22 the Town voted to amend the zoning by-laws to delete Section 145-28, the Town's existing solar by-law and insert a new Section 145-28, "Commercial Solar Photovoltaic Installations" (CSPIs). CSPIs are allowed as of right over parking lots and on existing structures and all other CSPIs are allowed by special permit in all of the Town's zoning districts. We approve the by-law amendments except for Section 145-28 (F) (2) that prohibits the application of herbicides, rodenticides, and other pesticides, that we disapprove because it is preempted by state law.¹

In this decision, we summarize the by-law amendments adopted under Article 22 and the Attorney General's standard of review of zoning by-laws, and then explain why, based on our standard of review, we approve Article 22, in part.

I. Summary of Article 22

Under Article 22 the Town added a new Section 145-28, "Commercial Solar Photovoltaic Installations," that regulates the development, placement, design, and construction of CSPIs. Section 145-28 (A) (1). CSPIs are large-scale (minimum 250 kW rated nameplate capacity) solar photovoltaic installations. Section 145-28 (B). The new Section 145-28 allows CSPIs as of right over parking lots and on existing structures. Section 145-28 (B) (1). All other CSPIs are allowed by special permit in all zoning districts. Section 145-28 (B) (2). The new Section 145-28 prohibits

¹ By agreement with Town Counsel as authorized by G.L. c. 40, § 32 we extended our deadline for a decision on Article 22 by 90 days through November 29, 2022.

the following installations: CSPIs that are larger than 15 acres in area; require clear cutting of more than five acres; are located on slopes greater than eight percent, have inadequate frontage, or are located within the 500-year FEMA Flood Plain. Section 145-28 (B) (3). Section 145-28 also imposes design standards and safety and environmental standards, including lighting, signage, land clearing, fire protection, and control of vegetation and animals. Sections 145-28 (E) and (F). As to controlling vegetation and animals, Section 145-28 (F) (2) states as follows:

Control of Vegetation and Animals, Including Insects. Herbicides, rodenticides, or any other pesticides may not be used to control vegetation or animals at a CSPI. In a dual-use CSPI, the agricultural operator, but not the CSPI operator, is exempt from this restriction.

II. Protections for Solar Uses Under G.L. c. 40A, § 3

Solar uses are protected under G.L. c. 40A, § 3. In adopting G.L. c. 40A, § 3, (“Section 3”), the Legislature determined that certain land uses are so important to the public good that the Legislature has found it necessary “to take away” some measure of municipalities’ “power to limit the use of land” within their borders. Attorney General v. Dover, 327 Mass. 601, 604 (1950) (discussing predecessor to G.L. c. 40A, § 3); see Cnty. Comm’rs of Bristol v. Conservation Comm’n of Dartmouth, 380 Mass. 706, 713 (1980) (noting that Zoning Act as a whole, and G.L. c. 40A, § 3 specifically, aim to ensure that zoning “facilitate[s] the provision of public requirements”). To that end, the provisions of Section 3 “strike a balance between preventing local discrimination against” a set of enumerated land uses while “honoring legitimate municipal concerns that typically find expression in local zoning laws.” Trustees of Tufts Coll. v. City of Medford, 415 Mass. 753, 757 (1993). Over the years, the Legislature has added to the list of protected uses, employing different language—and in some cases different methods—to limit municipal discretion to restrict those uses.

Solar energy facilities and related structures have been protected under Section 3 since 1985, when the Legislature passed a statute codifying “the policy of the commonwealth to encourage the use of solar energy.” St. 1985, c. 637, §§ 7, 8. Id. § 2. Specifically, Section 3’s solar provision grants zoning protections to solar energy systems and the building of structures that facilitate the collection of solar energy as follows:

No zoning . . . bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

In codifying solar energy as a protected use under Section 3, the Legislature determined that “neighborhood hostility” or contrary local “preferences” should not dictate whether solar energy systems are constructed in sufficient quantity to meet the public need. See Newbury Junior Coll. v. Brookline, 19 Mass. App. Ct. 197, 205, 207-08 (1985) (discussing educational-use provision of Section 3); see also Petrucci v. Bd. of Appeals, 45 Mass. App. Ct. 818, 822 (1998) (explaining, in context of childcare provision, that Legislature’s “manifest intent” when establishing Section 3 protected use is “to broaden . . . opportunities for establishing” that use). Indeed, the fundamental purpose of Section 3 is to “facilitate the provision of public requirements” that may be locally disfavored. Cnty. Comm’rs of Bristol, 380 Mass. at 713.

The Supreme Judicial Court has recently reaffirmed this principle in Tracer Lane II v. City of Waltham, 489 Mass. 775 (2022). In ruling that Section 3’s protections required Waltham to allow an access road to be built in a residential district for linkage to a solar project in Lexington, the Court explicitly noted that “large-scale systems, not ancillary to any residential or commercial use, are key to promoting solar energy in the Commonwealth.” Id. at 782 (citing Executive Office of Energy and Environmental Affairs, Massachusetts 2050 Decarbonization Roadmap, at 4, 59 n.43 (Dec. 2020) (“the amount of solar power needed by 2050 exceeds the full technical potential in the Commonwealth for rooftop solar, indicating that substantial deployment of ground-mounted solar is needed under any circumstance in order to achieve [n]et [z]ero [greenhouse gas emissions by 2050]”). The Court explained that whether a by-law facially violates Section 3’s prohibition against unreasonable regulation of solar systems will turn in part on whether the by-law promotes rather than restricts this legislative goal. Id. at 781. While municipalities do have some “flexibility” to reasonably limit where certain forms of solar energy may be sited, the validity of any restriction ultimately entails “balanc[ing] the interest that the . . . bylaw advances” against “the impact on the protected [solar] use.” Id. at 781-82.

Applying that framework to the facts of the case before it, the Court explained that Waltham had unreasonably restricted solar energy systems by excluding large-scale solar arrays from most zoning districts and “in all but one to two percent” of the City’s land area. Id. at 782. The Court acknowledged that Waltham’s regulation was designed to advance the generally legitimate municipal purpose of preserving each zone’s unique characteristics. Id. But the Court explained that Waltham’s categorical and extensive limitation on large-scale solar arrays—a critical form of solar energy system—undermined the state policy favoring solar energy and lacked any public health, safety, or welfare justification sufficient to justify the extent of the restriction. Id. at 781-82. The regulation was therefore unreasonable and unlawful. Id. at 782.

III. Analysis of Article 22

The by-law amendments adopted under Article 22 appear to be reasonable solar regulations that are designed to enhance, rather than limit, the development of commercial solar installations in the Town. The new Article 22 allows CSPIs as of right over parking lots and existing structures. And except for certain prohibited types of CSPIs, all other CSPIs are allowed by special permit in all of the Town’s zoning districts. However, if Article 22 is applied in ways that make it impracticable or uneconomical to build solar energy systems, such application would run a serious risk of violating G.L. c. 40A, § 3. The Town should consult closely with Town Counsel in applying Article 22 to ensure that the by-law amendments do not result in an unreasonable regulation of solar energy systems.

IV. Section 148-28 (F) (2)’s Prohibition on Herbicides, Rodenticides and Other Pesticides is Preempted by G.L. c. 132B

Section 145-28 (F) (2) prohibits the use of herbicides, rodenticides and other pesticides at CSPIs. We disapprove and delete Section 148-28 (F) (2) because it is preempted by the Massachusetts Pesticide Control Act (“Act”), either expressly (by the 1994 amendment) or impliedly (because “the purpose of the [Act] would be frustrated [by the by-law] so as to warrant an inference that the Legislature intended to preempt the field.”) See St. George Greek Orthodox

Cathedral of Western Massachusetts, Inc. v. Fire Department of Springfield, 462 Mass. 120, 125-126 (2012) (quoting Wendell v. Attorney General, 394 Mass. 518 (1985)).

A. Section 148 (F) (2) is Preempted by the Pesticide Control Act

General Laws Chapter 132B establishes the Massachusetts Department of Agricultural Resources' (MDAR) "exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the commonwealth" G.L. c. 132B, § 1. General Laws Chapter 132B, Section 2 defines "Pesticide" as "a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. . . ." The Act establishes a Pesticide Board within MDAR (Section 3), and authorizes the Pesticide Board to register pesticides for use in the Commonwealth if the Board determines that "a pesticide, when used in accordance with its directions for use, warnings and cautions and for the uses for which it is registered. . . will not generally cause unreasonable adverse effects on the environment. . . ." (Section 7).² The Act prohibits application of a registered pesticide in a way that is inconsistent with its labeling or other restrictions imposed by the MDAR (Section 6A).

1. *Express Preemption*

The Pesticide Control Act includes an express statement of intention to preempt local regulation of the application of pesticides: "The exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of in the commonwealth shall be determined by this chapter." G.L. c. 132B, § 1, as amended by Chapter 264 of the Acts of 1994. Further, MDAR has confirmed the preemptive effect of the Act and regulations in the area of pesticide application.³

Based upon the clear language of the Act, we determine that the by-law is expressly preempted. Even if the by-law was not expressly preempted, this section of the Town's by-law is impliedly preempted by the Act and Regulations, as explained below.

² MDAR defines "Use of a pesticide" in 333 CMR § 10.02 to include the following: any act of handling a pesticide, releasing of a pesticide, or exposing of man or the environment to a pesticide, including, but not limited to: (a) Application of a pesticide including mixing or loading of equipment and any supervisory action in or near the area of application. (b) Storage actions relative to pesticides and pesticide containers carried out or supervised by an applicator. (c) Disposal actions relative to pesticides and pesticide containers carried out or supervised by an applicator. (d) Transportation actions relative to pesticides and pesticide containers except those by carriers and dealers.

³ We disapproved a similar prohibition in a decision issued to the Town of Hopkinton on April 19, 2022 (Case # 10454).

2. *Implied Preemption*

The purpose of the Act and Regulations is to have centralized and uniform regulations for the use of pesticides in the state. Town of Wendell v. Attorney General, 394 Mass. 518 (1985) (town by-law regulating the use of pesticides in town frustrates the statutory purpose of centralized regulation of pesticide use). By prohibiting pesticide application, the by-law imposes an additional layer of regulation at the local level. This additional local regulation prevents the achievement of a statewide determination of the reasonableness of the use of a specific pesticide in particular circumstances that frustrates the purpose of the Act. Id. at 529.

In addition, the use of pesticide application on private property is comprehensively addressed in the Act and Regulations. The comprehensive delegation of authority to MDAR to determine appropriate pesticide regulation in the Commonwealth reflects the legislative intent that there is no room for local regulation on this subject. See Doe v. City of Lynn, 472 Mass. 521 (2015) (ordinance imposing residency and location restrictions on sex offenders preempted by comprehensive statutory scheme governing the oversight of sex offenders); and Boston Edison Co. v. Town of Bedford, 444 Mass. 775 (2005) (town by-law imposing fines for failure to remove utility poles preempted by the comprehensive, uniform state regulation of utilities in G.L. c. 164). Because G.L. c. 132B, § 1, provides that the Act and Regulations establish MDAR's exclusive authority and because the Act and Regulations comprehensively regulate the topic of pesticide applications on private property, the by-law text regarding pesticides in Section 148-25 (F) (2) is preempted by state law.

V. **Conclusion**

We approve Article 22 except for Section 148-25 (F) (2)'s prohibition on the use of herbicides, rodenticides, and other pesticides, which is preempted by state law. However, the Town should consult with Town Counsel to ensure that the application of the by-law is consistent with the solar use protections in G.L. c. 40A, § 3.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsels Gregg J. Corbo and Jonathan D. Eichman

Council Committee on Rules and Ordinances

Report to City Council

Meetings of February 7, March 13, and June 5, 2023

RE: Creation of a Watertown Human Rights Commission Ordinance

Councilors John G. Gannon, chair; John M. Airasian, vice chair; Lisa J. Feltner, secretary

The Council Rules and Ordinances Committee met in the Richard E. Mastrangelo Council Chamber, in hybrid-virtual meeting format for three discussions on adopting a Human Rights Commission Ordinance for Watertown in 2023 (see attached Minutes).

At the first meeting, on Feb. 7, 2023, present were all committee members. Also present were Councilors Tony Palomba and Vincent Piccirilli, State Representative Steve Owens, and approx. 15 residents. Participating by Zoom were Council President Mark Sideris, Councilors Caroline Bays and Emily Izzo, and approx. 18 residents.

Chair Gannon called the meeting to order at 6:35 p.m. and announced that the committee would first hear public comments about creating an HRC and what might be included in an ordinance; he wants to hear from community voices as wide as possible. Speakers and comments were received from Rep. Steve Owens, Council President Sideris, Councilors Palomba, Bays, Piccirilli, and residents Nancy Hammett, Susan Falkoff, Louise Enoch, Bevin Croft, Shin Peng, Tiffany York, Chuck Dickinson, Will Twombly, Barbara and Jeremy Ruskin, Nathaniel Harrison, Jennifer Wolfrum, Lisa Capoccia.

All spoke in favor, and no one present was in disfavor of creating or supporting a Human Rights Commission for Watertown. Councilors Airasian and Feltner asked the chair to please disseminate materials soon, as folks are eager to get going with the committee. They would like to receive a copy of the draft Human Rights Commission Ordinance that others have referred to, along with materials for comparison and to give context for how the draft ordinance serves Watertown.

Councilor Feltner made a Motion to Continue the Rules and Ordinances Committee meeting to discuss the framework for the HRC ordinance, and in anticipation of discussing a draft, with a tentative next date of Monday, February 27th at 6:30 p.m. Seconded by Councilor Airasian; 3-0 Approved.

7:33 p.m. Motion to Adjourn by Feltner, Seconded by Airasian; Approved 3-0.

At the second meeting, on Mar. 13, 2023, present were all committee members. Also present were Councilors Caroline Bays, Nicole Gardner, and Vincent Piccirilli; WPD Capt. Dan Unsworth, Capt. John Hanrahan, and Capt. Jamie O'Connor; WPS Superintendent Dede Galdston with Dir. of Diversity, Equity, Inclusion and Belonging Kimberlee Henry; and residents Louise Enoch, Susan Falkoff, Shin Peng, Bevin Croft. Zoom attendees included Councilors Emily Izzo and Tony Palomba; and residents Jacqui Gross, Carol Menton, Rachel Kay, Laurie Garden, Sarah Zoen, Ted Hammett, Jacky van Leeuwen, Lisa Laplante.

Chair Gannon called the meeting to order at 6:36 p.m. The committee received a draft HRC ordinance without supporting materials for deliberation, so there was concern expressed about how they would proceed. There was confusion among residents and the working group about what the public process and government requirements are under Open Meeting Law. The committee moved forward by hearing from members of the working group and supporting efforts in drafting an ordinance with guidance from Councilor Gannon. The committee then decided to take a first pass of the working draft presented and we suggested the following changes in:

.03 Appointment of Commissioners and Term (B) (ii) add “subject to confirmation by the city council”; in (vi) add “gender”; (A) is redundant in section .04 Meetings and Officers of the Commission, so this could be deleted, and (B) would become (A).

.04 Duties (J) add “or any marginalized group,”; in (L) add “and Administration”.

.05 Staffing & Funding. We edited this paragraph to read “The Human Rights Commission will recommend staff support and financial resources as needed in its annual report and/or Action Plan to support the commission’s administrative and programmatic activities.”

There were open-ended questions in other parts of the draft ordinance that the committee left open for further deliberation. We also agreed to charge the chair to pursue staff feedback on the draft, in particular from City Manager Proakis to provide thoughts and recommendations re: appointments, staffing and/or funding support for the new HRC as detailed in the draft ordinance.

Motion to Continue for further discussion by Airasian, with anticipation of a meeting with the city manager; the chair may also invite representatives from the MA Human Rights Coalition or other human rights organizations or commission members to attend, and/or provide background materials for the current draft ordinance; Seconded by Feltner; Approved 3-0.

9:09 p.m. Motion to Adjourn by Airasian, Seconded by Feltner; Approved 3-0.

At the third meeting, on June 5, 2023, present were all committee members. Also present were Massachusetts Human Rights Coalition (MAHRC) members Adam LaFrance (Melrose) and Linda Snow Dockser (Reading) via Zoom, City Manager George Proakis, Councilors Nicole Gardner and Vincent Piccirilli, and Susan Falkoff, Louise Enoch, Jane Imai, Shin Peng, Tiffany York (7:19).

Zoom Attendees included Councilors Caroline Bays (7:00) and Tony Palomba (7:20) and residents Gabriel Camacho, Bevin Croft, Rachel Kay, Elodia Thomas, Jacky van Leeuwen, and Sarah Zoen (7:15).

Due to technical difficulties, Chair Gannon called the meeting to order at 6:45 p.m. He announced that this evening’s speakers and presenters would include City Manager Proakis, as well as Adam LaFrance and Linda Snow Dockser, both of whom are members of the MA Human Rights Coalition (MAHRC), which currently includes over 40 active member groups statewide with approximately 35 municipal HRCs. Adam LaFrance previously served on the Melrose HRC for six years, and in Reading before that. His HRC had term limits of two terms, so he has since been serving with the MAHRC (he is also an attorney in legal ethics). Linda Snow Dockser is a member of MAHRC, engages with the Winchester Network for Social Justice, and is a resident of Reading where she also served on School Committee.

Attendees agreed on the importance of adopting human rights principles. Some HRCs have more investigative roles vs. advisory or educational-only roles. It depends somewhat on available resources, but many HRCs have also evolved over the years, and although there has been much discussion about the ability to conduct subpoenas, HRCs have generally moved away from this area due to a lack in legal expertise. HRCs can effectively triage a situation and connect folks with appropriate groups and resources. Attendees expressed that the current draft for Watertown is desirable, as it establishes a role in assessing situations throughout the community about daily lived experiences for residents, workers, and visitors, and it also grants the HRC to have a strong advisory role. Having an open place for safe listening can also address concerns before they become bigger problems.

Participants in the meeting generally agreed that it is preferable to have residents serve as full commissioners, and it would be open to employees who are Watertown residents. Qualifications listed for commissioners are broad and diverse enough to appeal to and include a wide range of candidates with technical expertise or life experience that would benefit an HRC. A goal would be to work across the community, with a variety of groups and city departments, as well as collaborate with other municipalities and human rights and equity organizations. It's a real coming together of all people.

Questions were asked about typical funding for HRCs and/or staff support. It is not usually the case that HRCs have regular funding from municipalities; in fact, they usually rely on donations and grants. Reading, MA recently decided to sunset their Human Relations Advisory Committee (HRAC) with the new hire of a Director of Equity and Social Justice, which is situated in the Reading Public Library Office of Equity and Social Justice. (The Town of Reading is governed by a Select Board, and the HRAC served as an advisory group to them). They didn't want to rely solely on grant writing, since this limits the kind of fundraising that a 501(c)3 can do.

Both Adam LaFrance and Linda Snow Dockser recommend on-going communications with stakeholders in the municipality by all possible means, including working with the mayor or manager, the chief of police, developing a newsletter, working with facilitators in order to hold community conversations to enable discussion of topics in depth, etc. It's important to remember that HRCs are subject to Open Meeting Law, so it's also important to work with the administration and schools to protect both the accuser and accused. Diverse representation is important in creating a comfort level for the public to feel the HRC is approachable, and all conversations do not need to be held in front of a commission. A civil rights officer in the police department or other resources are also helpful to individuals, and the HRC can advocate for more resources, work on data collection and track stories and help implement training. It's important to remember that each municipality is different so they advise creating aspirations but do what you can. Be open about who is serving on the HRC and be sure to have this information published on the city website.

Councilor Feltner read aloud an email from Bevin Croft, which was answered live. Superintendents generally recruit students and it's helpful to let them serve more than one year. The committee added to the draft in .03 - for a term of "at least" one school year- for student liaisons.

Larger cities generally have more resources and funding, but even a \$3000 budget can go a long way. Councilor Airasian asked about success being found in HRCs that focus more on being a general resource for the community. Attendees responded there are positive outcomes when it comes to providing educational programs and reporting out what commissioners have learned. HRC activities vary, and some are more established than others. Community-building and relationship-building are important but assessment advocacy and advising seem to have a lot more room for growth by HRCs. Cambridge and Somerville have done it, and HRCs have shown they are able to evolve.

The committee received feedback that there is an impressive amount of cooperation and specific duties spelled out in Watertown's draft ordinance, which will serve as a good roadmap for what this new HRC. Many other ordinances don't capture this much detail, so it takes longer for those HRC members to build a framework, feel empowered, and get focused.

Chair Gannon reminded participants that the committee has previously heard from the superintendent of schools and our police command staff in support of a Watertown HRC and the ordinance in general. He then invited City Manager George Proakis to speak.

Manager Proakis thanked everyone who has participated to date and recognized the positive discussions and support for creating an HRC during Charter Review. He also lives in Melrose and echoed the sentiment that

Melrose has accomplished a lot on a \$3000 budget. Somerville shared a staff person with one other department instead of having a designated full-time employee. Proakis conducted some of his own research, and he also appreciates what is spelled out in our draft. He feels there is some work to do with our administrative team to figure out how to support a new HRC here, but there are a few related things in this year's budget which are helpful, including the deputy manager and the new community outreach officer. Watertown is conducting a Human Resource study to improve how this department works. Plus, as part of the ARPA funding review, he is asking for a grant writer who could help identify funding for the new HRC. Should the city council move forward on this draft ordinance, which he also supports, the new Residents' Advisory Committee is in place and that will help build a diverse and thoughtful HRC. Manager Proakis feels that item (D) in Duties of the Commission describes the most sensitive role that the HRC will play, as they will need to figure out how to be accessible and make folks feel comfortable working with them. Councilor Gardner wanted to be sure lived experience would be considered in (C) Qualifications; the committee agreed to add "if possible" for more clarity.

There were questions about how much flexibility the HRC will have in handling complaints. Councilor Feltner spoke to the empowering nature of the draft ordinance, which includes establishing HRC rules. She suggested not mandating the HRC annually review their Action Plan; the manager recommends this edit and the committee agreed to change this to "reviewed and updated as the commission deems necessary".

Elodia Thomas questioned why we would include non-resident Watertown employees as commissioners. It was acknowledged that this was left over from a previous draft, but it would be removed. Manager Proakis stated confidence in the ability to find nine qualifying residents to serve; he is discovering there are many interested in volunteering to make positive contributions. It was also noted that an employee would be able to access the HRC as a resource, but we recognize it does not replace the role of a human resources department.

ACTION ITEM: Motion by Councilor John Airasian for the Rules and Ordinances Committee to approve the draft with changes as discussed, and Recommend City Council request the city attorney review the proposed ordinance, and then schedule a First Reading of this proposed new Human Rights Commission Ordinance for adoption. Seconded by Councilor Lisa Feltner; Approved 3-0.

9:09 p.m. Motion to Adjourn by Feltner, seconded by Airasian; Approved 3-0.

Report prepared and respectfully submitted, Lisa Feltner

Attached: Minutes of Feb. 7, Mar. 13, June 5, 2023 with relevant attachments;
Proposed draft of Watertown Human Rights Commission Ordinance for adoption.

Watertown City Council Committee on Rules and Ordinances
Administration Building, 149 Main Street, Watertown, MA 02472
2nd Floor Richard E. Mastrangelo Chamber, and with virtual participation
6:30 p.m. Tuesday, February 7, 2023 Meeting Minutes

AGENDA: Discuss the Adoption of the Human Rights Commission Ordinance

Present: Councilors John Gannon, chair; John Airasian, vice chair; Lisa Feltner, secretary.

Also present: Councilors Tony Palomba and Vincent Piccirilli, State Representative Steve Owens, and approx. 15 residents including Will Twombly, Louise Enoch, Bevin Croft, Shin Peng, Chuck Dickinson.

Zoom attendees: Council President Mark Sideris, Councilors Caroline Bays and Emily Izzo; Eric Kemp-Benedict, Rita Colafella, Michael Schade, Susan Flint, Archy LaSalle, Louise Enoch, Ted Hammett, Nancy Hammett, Dylan Marshall, Chuck Dickinson, Pat Rathbone, Roma and Ben Jerome, Tiffany York, Tia Tilson (7:00), Lisa Capoccia (7:05), Jacky van Leeuwen (7:06), Qibin Ye (7:07), Jeri Bayer (7:28).

Chair Gannon called the meeting to order at 6:35 p.m. He acknowledged that a new Section 9-7 was adopted with the most recent City Charter changes (adopted November 2021), which stipulates the city council shall adopt an ordinance establishing a Human Rights Commission (HRC). He decided the Rules and Ordinances Committee will first take testimony from the community before drafting an ordinance, and residents will have ample opportunity to provide feedback to draft language before the committee refers an ordinance to the full council, as well as when the city council deliberates this new draft ordinance, before it goes to the city manager for implementation. Rep. Steve Owens recognized that folks in the room seemed to be a little shy to speak, so he wanted to start by thanking the committee in kicking this off, and thanks everyone in attendance, the working group and also members of World in Watertown who have been working on this for quite some time. He feels this is something that is important to the greater community, and he is interested in hearing public comments. Councilor Palomba asked about the anticipated powers of the HRC and what the draft looks like since he hasn't seen it yet, although he is confident that the current council will pass an ordinance. Chair Gannon didn't want this first meeting to be about the ordinance he crafted with the working group or talk about his own research yet. Nancy Hammett applauded the efforts made over twenty years ago, as well as the efforts made by the Watertown Citizens for Black Lives years ago. She understands there are many complicated issues that come up and it can be tough to reach consensus. She wonders if there is a summary on what the difficulties were last time, but she is thrilled we are moving forward and thanks the early advocates and well as current work by the council committee. Councilor Gannon wants to hear from more of the public, to hear from as wide as voices as possible.

Council Feltner read aloud an email from Barbara and Jeremy Ruskin in support of forming an HRC (attached). Councilor Bays asked about what sort of models were being considered because there are so many different HRCs out there, and she would like Council to consider including a path to restorative justice as one of the commission's role. Councilor Gannon explained that he has been in communication for approx. 8 months to a year with a residents' working group on creating an HRC for Watertown. They have looked at every HRC in the state, including Belmont's. Susan Falkoff has been engaged with the working group and they came to a

consensus in writing a draft ordinance with Councilor Gannon. President Sideris expressed positive feelings toward the input from the working group and discussions that were held around the Charter Review for an HRC, and he thinks we need to get to the nuts and bolts of the matter. Councilor Piccirilli said he would like to learn about what has worked well, or not, in other communities. Bevin Croft has been actively engaged in the working group, and she expressed pleasure that we are speaking to the why for an HRC and what they would do: it's not just about responding to complaints, but they found that residents want an ongoing celebration of the diversity in Watertown, and to be able to hold events among different groups in a positive way. It's an exciting opportunity for an HRC to partner with groups such as the schools and public safety officials. A human rights commission needs to work across the city to be sure that all parties are working together, as well as provide resources and be a place to address complaints. We don't think it needs to be an adjudicating body, but it can help people get to the right avenue to address concerns. Shin Peng said he had concerns about moving to Watertown because of an intimidating experience at a local bus stop; but now he is very happy to be involved with this working group because he was looking for a place to go after immigrating here from China many years ago. He and his husband would like to help push this HRC ordinance over the finish line for the API community as soon as possible, because the resident group has already been working on this for two years. Chuck Dickinson expressed enthusiasm for an infusion from a younger generation, that from his observations are getting more involved.

Councilors Airasian and Feltner stated a desire to receive a copy of the draft Human Rights Commission Ordinance that others have referred to, along with materials for comparison and context for how the draft serves Watertown. February 27th is a tentative next meeting date, although that may conflict with upcoming DEI Training.

7:20 p.m. Councilor Feltner made a Motion to Continue the Rules and Ordinances Committee meeting to discuss the framework for the HRC ordinance, and in anticipation of discussing a draft, Seconded by Councilor Airasian; 3-0 Approved.

Councilor Feltner read aloud an email received from Nathaniel Harrison during the meeting (attached).

Louise Enoch said it was extremely gratifying to see that an HRC will be formed and working in Watertown. She also feels it is a very important value to show the younger generation that everyone is valued in our community, and she is thrilled to see that this first meeting is so positive and hopes this continues throughout the process.

Tiffany York would like to move forward quickly is concerned about funding, since she thinks the current budget is way too low to be able to hire staff to handle concerns and complaints and not just hold events.

At 7:30 p.m. Councilor Feltner read aloud from the Zoom Chat comments (attached).

Will Twombly asked if the committee could please post a draft budget along with the draft ordinance. Chair Gannon stated that the draft ordinance will help identify staff needed, but we don't want to put the cart before the horse, as we need to get the ordinance together first.

7:33 p.m. Feltner made a Motion to Adjourn, Seconded by Airasian; Approved 3-0.

Respectfully submitted, Lisa Feltner

Attached: Emails and Chat recognized during meeting:

-----Original Message-----

From: ruskinb00@icloud.com <ruskinb00@icloud.com>

Sent: Tuesday, February 7, 2023 2:47 PM

To: Gannon, John <jgannon@watertown-ma.gov>; John Airasian <jairasian@watertown-ma.gov>; Feltner, Lisa <lfeltner@watertown-ma.gov>

Subject: Human Rights Commission

John, John, and Lisa,

We support you in forming a Human Rights Commission in Watertown. It will be an important addition to building community and leadership here.

Sincerely,

Barbara and Jeremy Ruskin

Spring Street

From: harrysson@aol.com <harrysson@aol.com>

Sent: Tuesday, February 7, 2023 7:15 PM

To: Feltner, Lisa <lfeltner@watertown-ma.gov>

Subject: Reparations

Lisa,

Would the human rights commission be an appropriate vehicle for Watertown to consider the issue of reparations?

Nathaniel Harrison

106 Franklin Street

On February 7, Councilor Feltner read aloud from the Zoom Chat comments at 7:30 p.m.

-from Jennifer Wolfrum: Hi, I'm sorry I'm so late to this hearing and meeting. I'm showing up to support this important move to create a Human Rights Commission for Watertown. Thanks to everyone who supports this effort.

-from Lisa Capocia: I'm sorry I'd stay, but I echo comments encouraging you to rely on the working group to help guide this process. They have worked week after week for months and have been extremely thorough and thoughtful. We are so fortunate they volunteered their time doing this for the community.

Watertown City Council Committee on Rules and Ordinances
Administration Building, 149 Main Street, Watertown, MA 02472
2nd Floor Richard E. Mastrangelo Chamber, and with virtual participation
6:30 p.m. Monday, March 13, 2023 Meeting Minutes

AGENDA: Continue Discussion on Adoption of Human Rights Commission Ordinance

Present: Councilors John Gannon, chair; John Airasian, vice chair; Lisa Feltner, secretary.

Also present: Councilors Caroline Bays, Nicole Gardner, and Vincent Piccirilli; WPD Capt. Dan Unsworth, Capt. Justin Hanrahan, and Lt. Jamie O'Connor; WPS Superintendent Dede Galdston, Dir. of Diversity, Equity, Inclusion and Belonging Kimberlee Henry; residents Susan Falkoff, Louise Enoch, Shin Peng, Bevin Croft, and others.

Zoom attendees: Councilors Emily Izzo and Tony Palomba; residents Jacqui Gross, Carol Menton, Rachel Kay, Laurie Garden, Sarah Zoen, Ted Hammett, Jacky van Leeuwen, Lisa Laplante (7:50).

Chair Gannon called the continued committee meeting to order at 6:36 p.m. Councilor Feltner reminded attendees that we're not deciding whether to create an HRC since this decision was unanimously adopted by the Council, all of whom served on the Charter Review Commission and it was approved by the voters with the recent Charter changes. She did express some concern about the committee process because it is missing context about the recently received draft HRC ordinance, which would also benefit public understanding. Councilor Gannon stated he considers this is an early meeting in the process, and he is not presenting the draft as a take-it or leave-it. He just put a resident working group's ideas together in a draft. Councilor Airasian also expressed some disappointment since it was clear at the first committee meeting that people had seen a draft but we hadn't yet. Gannon wanted to recognize that a working group has been meeting very diligently to discuss what a Watertown Human Rights Commission Ordinance might look like, and he can steer us through the mechanics.

Louise Enoch shared a summary of what a group of residents have been doing. She was involved in a panel at the library, which collaborated with Lexington, Belmont, Melrose and included some residents with the Watertown group for Peace, Justice, and the Environment. The Charter Review process included input from residents who were interested. After the Charter changes were approved, we did research, met with other commissions in other towns, and some of us attended organization meetings by the Massachusetts Human Rights Coalition. And then we tried to think about issues and debate them and come up with recommendations, including questions about whether they handle litigation, if they have liaisons, etc.

Councilor Airasian felt it would be helpful for the committee to also receive guidance from Watertown staff.

Susan Falkoff and others expressed concern about meeting the June 30, 2023 deadline in the city charter to create the HRC ordinance and is worried the committee will negate all the work that has been done so far.

Shin Peng shared that the working group, which he joined in 2021, wants to be open and thought they already held public meetings since they distributed materials at the Faire on the Square, the Farmers' Market and had

neighborhood meetings, so just because city officials weren't there, it doesn't mean we're lacking transparency. We also thought this would be more efficient. Councilor Feltner said she appreciates resident groups' efforts to "hand us the football", but there are specific requirements we need to meet under state law for meetings to be considered open, public and accessible to all. It can be confusing to residents, but government officials do strive to work together. The committee also welcomed hearing from staff who were in attendance.

WPS Superintendent Dede Galdston, along with Dr. Henry will fully support the HRC, and she stated they will be there as an active member. Dr. Galdston advocated for some sort of feedback loop and wonders how it will work to have the superintendent and police department serving as liaisons. She feels Watertown has a really great handle on some of these issues already through efforts by the Council on Aging, the Commission on Disability and others. Councilor Airasian envisions other groups that could be involved as liaisons, such as the Watertown Housing Authority; Councilor Gardner mentioned the Wayside Multi-Service Center. Councilor Piccirilli pointed to the draft ordinance enabling the HRC to hear from department heads or their designee at HRC meetings, and this is generally true for other boards and commissions from time to time; so, he's not sure the superintendent will need to attend every monthly meeting.

Councilor Palomba thought there was a good turnout at the first committee meeting, as well as a lot of engagement by the working group, so he feels the process has been good. He thinks the one missing thing in the draft is how many commissioners would be "of the city" vs. how many would be residents.

Councilor Feltner asked to hear from the police department, and Councilor Airasian wondered if there was some kind of staff report for input.

WPD Capt. Dan Unsworth expressed thanks for letting them take a look at this draft ordinance before this evening, and the police department recognizes this HRC would be very healthy for the community. Speaking to some of Superintendent Galdston's concerns, working across WPS, the health services, the clergy, the business community, the boys and girls club, it is a city-wide challenge. We'd ideally like to see a little more clarity and definition in the document to understand better what is expected of WPD. For example, the police are specifically empowered with the Licensing Board, so more definition of responsibilities would be helpful.

Councilor Bays and others asked about references to materials used by advocates for drafting the HRC ordinance; Councilor Gannon stated that he looked at every single HRC ordinance in the state, so each Councilor can do that on their own.

Bevin Croft shared that she and Louise Enoch attended other human rights groups once a month, generally on Fridays, such as in Dedham, Belmont, Medford, and with Duxbury for All and a couple of organizations in Wayland, and the Hingham Unity Council.

The Committee proceeded to review the draft HRC ordinance for Watertown. Councilor Feltner appreciated the broadness in the statement of purpose, providing flexibility for a new HRC. Council Gannon shared that the subpoena powers granted in Somerville caused some problems and thought some basics, such as including WPS and WPD would help the HRC get started more quickly in addressing concerns.

It was noted we could delete (A) in .03 Appointment of Commissioners and Term, because it is also covered in .04 (A) Meetings.

Discussion ensued about whether employees should be commissioners, such as from WPS, WPD, and staff such as a community engagement officer. Capt. Justin Hanrahan spoke in favor of having police representation on the commission; he anticipates many of the issues before the HRC, such as threats and harassment would directly involve WPD so the connection would be helpful. Councilor Airasian prefers that employees serve on the HRC.

Bevin Croft learned in their conversations with other HRCs, that some of the most successful ones considered excellent partnerships with the police to be a hallmark of their success. Based on the working group's research across communities, engagement occurring in schools and police departments seemed to be the most successful; they also wondered about involvement with the library, but it does vary by municipality. Louise Enoch said they settled on having liaison roles for WPS and WPD, speaking to Councilor Feltner's point about staff duties and job descriptions, and realistic expectations for students. We were also concerned that if you include two or three employees, then it feels like too much of a reduction in the number of residents on the HRC. However, Councilor Airasian recognized that it can be difficult to fill and maintain resident boards -there are currently about 60 openings for appointments on paper and you want to be able to reach quorum each month.

Lisa Laplante shared that this was the first time she'd seen the draft, but she wondered about including "character" under (C) Qualifications for commissioners. She thinks this could be helpful in looking for the type of person we'd be looking to recruit, including for youth, instead of just looking at the type of someone's background. The committee decided this would probably be too subjective to include as a qualification on paper and the current list is broad and doesn't limit it to someone's employment or technical expertise.

Councilor Feltner expressed concern about mandating the HRC update their Action Plan every year as specified in .04 Duties (B). It seems unrealistic, and they could probably decide as necessary. Councilor Gardner feels strongly this should be mandated and resident Sarah Zoen stated that the Action Plan speaks to transparency; their work plan should be published in the public domain, with a purpose to embed those human rights principles and should happen every year.

Feltner also noted that Duties (D) reads as very important, its text speaks to Purpose, but it also seems sensitive and she wonders what it means in practical terms. Lisa Laplante stated that this is a paragraph she really wanted to weigh in on, as a human rights lawyer. The ability to investigate complaints and support enforcement is the real reason why I think a municipality should have a human rights commission. The committee agreed.

Proceeding to review .04 Duties, the committee added "or any marginalized group," to (J); and added "and Administration" to (L).

It was agreed that section .05 Staffing and Funding would serve as a baseline for the new HRC, and the commission could scale up as needed with support from Administration and City Council. The committee changed the wording for this section to read: The Human Rights Commission will recommend staff support and financial resources as needed in its annual report and/or Action Plan in order to support the commission's administrative and programmatic activities.

We also agreed to charge the chair to pursue staff feedback on the draft. Preferably, we'd like City Manager Proakis to provide thoughts and recommendations re: appointments, staffing and/or funding support for the new HRC as detailed in the draft ordinance.

Motion to Continue for further discussion by Airasian, with anticipation of a meeting with the manager; the chair may also invite representatives from the MA Human Rights Coalition or other human rights organizations or commission members to attend, and/or provide background materials for the current draft ordinance; Seconded by Feltner; Approved 3-0.

9:09 p.m. Motion to Adjourn by Airasian, Seconded by Feltner; Approved 3-0.

Respectfully submitted, Lisa Feltner

Attached: Initial Draft Watertown Human Rights Commission Ordinance

Watertown City Council Committee on Rules and Ordinances

Administration Building, 149 Main Street, Watertown, MA 02472

2nd Floor Richard E. Mastrangelo Chamber, and with virtual participation

6:30 p.m. Monday, June 5, 2023 Meeting Minutes

AGENDA: Continue Discussion on Adoption of Human Rights Commission Ordinance

Present: Councilors John Gannon, chair; John Airasian, vice chair; Lisa Feltner, secretary.

Also present: Massachusetts Human Rights Coalition (MAHRC) members Adam LaFrance (Melrose) and Linda Snow Dockser (Reading) via Zoom, City Manager George Proakis, Councilors Nicole Gardner and Vincent Piccirilli, and Susan Falkoff, Louise Enoch, Jane Imai, Shin Peng, Tiffany York (7:19).

Zoom Attendees: Gabriel Camacho, Bevin Croft, Rachel Kay, Elodia Thomas, Jacky van Leeuwen, Councilors Caroline Bays (7:00) and Tony Palomba (7:20), and Sarah Zoen (7:15).

Due to technical difficulties, Chair Gannon called the continued meeting to order at 6:45 p.m. He announced that this evening speakers and presenters would include City Manager Proakis, and Adam LaFrance and Linda Snow Dockser, both of whom are members of the MA Human Rights Coalition, which currently includes over 40 active member groups statewide and approximately 35 municipal HRCs. Adam LaFrance previously served in the Melrose HRC for six years, and in Reading before that. His HRC had term limits of two terms, so he has since been serving with the MAHRC (he is also an attorney in legal ethics). Linda Snow Dockser is a member of MAHRC, engages with the Winchester Network for Social Justice, and is a resident of Reading where she also served on School Committee.

Attendees agreed on the importance of adopting human rights principles. Some HRCs have more investigative roles vs. advisory or educational-only roles. It depends somewhat on available resources, but many HRCs have also evolved over the years, and although there has been much discussion about the ability to conduct subpoenas, HRCs have generally moved away from this area due to a lack in legal expertise. HRCs can effectively triage a situation and connect folks with appropriate groups and resources. Attendees expressed that the current draft for Watertown is desirable, as it establishes a role in assessing situations throughout the community about daily lived experiences for residents, workers, and visitors. It also grants the HRC to have a strong advisory role. An investigative role takes more time and funding, and it also requires trust-building in the community, but referrals to departments or other agencies and resources can be quite helpful. Having an open place for safe listening can also address concerns before they become bigger problems.

Participants in the meeting generally agreed that it is preferable to have residents serve as full commissioners, and to also welcome employees who are Watertown residents. Qualifications for commissioners are broad and diverse enough to appeal to and include a wide range of candidates with technical expertise or life experience that would benefit an HRC. One goal would be to work across the community, with a variety of groups and city departments -such as churches, the arts, museums, libraries, businesses, Rotary, schools, educational organizations, sports, boys and girls clubs, public safety, health- as well as collaborate with other municipalities and human rights and equity organizations. It's a real coming together of all people.

Louise Enoch expressed thanks to Adam and Linda for their involvement and stated that the MAHRC has helped to educate and support the Watertown resident working group, and it has also been a help to Watertown individuals. Questions were asked about typical funding for HRCs and/or staff support. It is not usually the case

that HRCs have regular funding from municipalities; in fact, they usually rely on donations and grants. Reading recently decided to sunset their Human Relations Advisory Committee (HRAC) with the new hire of a Director of Equity and Social Justice, which is situated in the Reading Public Library Office of Equity and Social Justice. (The Town of Reading is governed by a Select Board, and the HRAC served as an advisory group to them). They didn't want to rely solely on grant writing, since this limits the kind of fundraising that a 501(c)3 can do.

Both Adam LaFrance and Linda Snow Dockser recommend on-going communications with stakeholders in the municipality by all possible means, including working with the mayor or manager, the chief of police, developing a newsletter, working with facilitators in order to hold community conversations to enable discussion of topics in depth, etc. It's important to remember that HRCs are subject to Open Meeting Law, so it's also important to work with the administration and schools to protect both the accuser and accused. Diverse representation is important in creating a comfort level for the public to feel the HRC is approachable, and all conversations do not need to be held in front of a commission. A civil rights officer in the police department or other resources are also helpful to individuals, and the HRC can advocate for more resources, work on data collection and track stories, help implement training. It's important to get the whole community involved and remember that each municipality is different so you have your aspirations, but you do what you can. Be open about who is serving on the HRC and be sure to have this information published on the city website.

Councilor Feltner read aloud email questions from Bevin Croft. Superintendents generally recruit students and it's helpful to let them serve more than one year; Committee added "at least one school year" to the draft.

Larger cities generally have more resources and funding, so it depends on scale, but even a \$3000 budget can go a long way. Councilor Airasian asked about success being found in HRCs that focus more on being a general resource for the community. Attendees responded there are positive outcomes when it comes to providing educational program and reporting out what they've learned. HRC activities vary, and some are more established than others. Community-building and relationship-building are important but assessment advocacy and advising seem to have a lot more room for growth by HRCs. Cambridge and Somerville have done it, and HRCs have shown they are able to evolve.

Tiffany York spoke as a member of Watertown Community for Black Lives, where she attended a Belmont Human Rights Commission session that included their chief of police and schools' superintendent, to address a case of hate mail, and she found the experience to be really amazing.

The committee received feedback that there is an impressive amount of cooperation and specific duties spelled out in Watertown's draft ordinance, which will serve as a good roadmap for what this new HRC. Many other ordinances don't capture this much detail, so it takes longer for those HRC members to build a framework, feel empowered, and get focused.

The discussion also emphasized the importance of networking and working with other communities, which can serve as inspiration and as role models. Human rights groups' efforts are becoming a more localized effort across the U.S. including internationally.

Chair Gannon reminded participants that the committee has previously heard from the superintendent of schools and our police command staff. He then invited City Manager George Proakis to speak.

Manager Proakis thanked everyone who has participated to date and recognized the positive discussions and support for creating an HRC during Charter Review. He also lives in Melrose and echoed the sentiment that Melrose has accomplished a lot on a \$3000 budget. Somerville shared a staff person with one other department instead of having a designated full-time employee. Proakis conducted some of his own research, and he also

appreciates what is spelled out in our draft. He feels there is some work to do with our administrative team to figure out how to support a new HRC here, but there are a few related things in this year's budget which are helpful, including the deputy manager and the new community outreach officer. Watertown is conducting a Human Resource study to improve how this department works. Plus, as part of the ARPA funding review, he is asking for a grant writer who could help identify funding for the new HRC. Should the city council move forward on this draft ordinance, which he also supports, the new Residents' Advisory Committee is in place and that will help build a diverse and thoughtful HRC. Manager Proakis feels that item (D) in Duties of the Commission describes the most sensitive role that the HRC will play, as they will need to figure out how to be accessible and make folks feel comfortable working with them. Councilor Gardner wanted to be sure lived experience would be considered in (C) Qualifications; the committee agreed to add "if possible" for more clarity.

There were questions about how much flexibility the HRC will have in handling complaints. Councilor Feltner spoke to the empowering nature of the draft ordinance, which includes establishing HRC rules. She suggested not mandating the HRC annually review their Action Plan; the manager recommends this edit and the committee agreed to change this to "reviewed and updated as the commission deems necessary".

Councilor Piccirilli welcomed the very helpful information shared by guests at this meeting, which supports previous public discussions and conversations he has had with individuals from the resident working group.

Elodia Thomas questioned why we would include non-resident Watertown employees as commissioners. It was acknowledged that this was left over from a previous draft, but it would be removed. Manager Proakis stated confidence in the ability to find nine qualifying residents to serve; he is discovering there are many interested in volunteering to make positive contributions. It was also noted that an employee would be able to access the HRC as a resource, but we recognize it does not replace the role of a human resources department.

MOTION by Councilor John Airasian for the Rules and Ordinances Committee to approve the draft with changes as discussed, and Recommend City Council request the city attorney review the proposed ordinance, and then schedule a First Reading of this proposed new Human Rights Commission Ordinance for adoption. Seconded by Councilor Lisa Feltner. Approved 3-0.

9:09 p.m. Motion to Adjourn by Feltner, seconded by Airasian; Approved 3-0.

Respectfully submitted, Lisa Feltner

Attached: Updated draft Watertown Human Rights Committee Ordinance; Email recognized during meeting.

From: Bevin Croft <bevincroft@gmail.com>
Sent: Monday, June 5, 2023 7:12 PM
To: Feltner, Lisa <lfeltner@watertown-ma.gov>
Subject: questions for meeting

Hello Lisa! I put these questions in chat but not sure if that's the appropriate place. Including them here instead:

Given the experiences of cities the size of Watertown, and given the activities described in the draft ordinance, what might be the level of resources (staffing and funding) for the HRC to function well?

Have any communities successfully recruited and supported student members or liaisons, and if so what strategies did they use?

Bevin Croft
11 Wilmot Street

CHAPTER __. WATERTOWN HUMAN RIGHTS COMMISSION

§ __.01 Establishment.

In accordance with SECTION 2-11 of the Watertown Home Rule Charter, there shall be in the city a commission known as Watertown Human Rights Commission (“commission”).

§ __.02 Purpose.

The purpose of creating the commission is to affirm that the city of Watertown is an inclusive community that has as one of its core values, freedom from discrimination, disrespect, bigotry, hatred and oppression; and to reaffirm the city’s commitment to uphold and defend the rights of all individuals to enjoy the free and equal exercise of their human and civil rights and privileges.

To that end, the commission shall strive to ensure that all persons enjoy equal opportunity to participate in local affairs, including but not limited to housing, employment, education, public accommodation, access to city services, insurance, credit, banking and health care, regardless of race, color, ancestry, national origin, sex, sexual orientation, gender identity or expression, citizenship, age, religion, disability, health status, marital or familial status, military or veteran status, socioeconomic status, ex-offender status, genetic and/or “protected class” status. Human rights are universal and inalienable; indivisible; interdependent and interrelated. Whether civil, political, economic, social or cultural in nature, all such rights are inherent to the dignity of every person. Consequently, these rights all have equal status.

§ __.03 Appointment of Commissioners and Term.

(A) Appointment and Tenure of Members, Vacancies. There shall be nine commissioners appointed by the city manager, subject to confirmation by the city council.

- (i) The commissioners shall be residents of Watertown.
- (ii) The city manager shall appoint commissioners to serve three-year terms, subject to confirmation by the city council.
- (iii) The commissioners first appointed shall have staggered terms, with three (3) of the appointed commissioners initially serving a one-year term; three (3) of the appointed commissioners initially serving a two-year term; and the remaining three (3) commissioners serving a three-year

- term. Thereafter, all appointments and reappointments, shall be for a period of three (3) years. Commissioners may be reappointed for additional terms.
- (iv) Any vacancy in membership shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
 - (v) There shall be liaisons from the Watertown Police Department, the Watertown School Department and the student body. While not commissioners, such liaisons shall participate in the work of the commission by attending monthly sessions to bring issues of concern and ideas to the commission and to help formulate constructive resolutions. Ideally, the chief of police and the superintendent of schools shall be the liaisons, but when not possible they could designate a department member to attend in their place. Student liaisons shall be chosen by the superintendent with recommendations of student services and shall serve for a term of at least one school year.
 - (vi) The commission shall always strive to reflect the socioeconomic, age, gender, racial and cultural diversity of the city, and efforts should be directed to recruiting commissioners of historically underrepresented and marginalized groups, including people of color, youth and young adults, immigrants, people with disabilities, and LGBTQ+ individuals.

(C) Qualifications. Commissioners appointed by the city manager shall, when possible, have relevant experience in one or more of the following areas: human rights, social justice, law, education, diversity, equity and inclusion, community engagement, municipal government, or advocacy for individuals who are targets of mistreatment or discrimination.

(D) Any commissioner who ceases to be a city resident shall promptly provide written notification of their change in residence to the commission chair and to the city clerk. The commissioner may serve until a successor is appointed.

§__-.04 Meetings and Officers of the Commission.

(A) Meetings. The commission shall meet monthly at a time and place as the chair shall determine. Notice of all meetings shall comply with the provisions of the Open Meeting Law, G.L. c. 30A, §§ 18-25. A quorum at any meeting shall be a majority of the total number of commissioners then serving. The commission shall keep a written record of its proceedings.

(B) Officers. At the first meeting of the commission, and annually thereafter, the commissioners shall elect three members to serve respectively as chair, vice-chair

and clerk, and may elect such other officers, adopt procedural rules and regulations, and establish such subcommittees as they deem appropriate. In the chair's absence, the vice-chair shall preside over meetings.

§__-.05 Duties of the Commission.

The commission shall promote human rights in Watertown through outreach, dialogue, and educational forums. The commission shall also have the following charges and responsibilities:

- (A) Promote positive, respectful, and collaborative relationships among all groups and individuals in Watertown.
- (B) Create an Action Plan, to be reviewed and updated as the commission deems necessary, detailing goals and associated activities aligned with the purpose of the commission.
- (C) Advocate for, support, facilitate, and disseminate information about independent equity assessments, and identify calls to action in response to equity audits throughout the city.
- (D) Serve as a resource for residents, employees, those doing business with or in the city, or visitors to make a report about concerns, complaints, or questions of discrimination or unequal treatment of individuals within the city of Watertown, to provide support and information to victims and witnesses, and to city officials who may investigate such reports, concerns, complaints or questions. The commission shall develop procedures for accepting and managing complaints, and for protecting the reputation of all parties involved as appropriate and legally required. The commission may provide resources, referrals and support to any person with a complaint of discrimination. Where all parties agree, the commission may arrange for mediation of the incidents.
- (E) Recommend resolutions, policies, or guidelines for adoption by the city manager, city council, or other departments, boards, and committees within the city.
- (F) Recommend programs, initiatives, and training to promote diversity, inclusion, awareness, and anti-discrimination in the city.
- (G) Promote understanding of the diverse cultures within the city and surrounding areas through education, organization of community events,

conferences, public speaking programs, educational panels, celebrations and other community actions.

(H) Serve as a resource to the city manager and city council with respect to issues that challenge any individual's or group's enjoyment of their basic human rights in the city.

(I) Collaborate with representatives from historically disadvantaged groups to better understand barriers to inclusion, diversity, and equity in the community; develop strategies for ending inequities and eliminating these barriers; and promote mutual understanding and respect for differences.

(J) Annually, and more often if requested or needed, provide a written report to the city manager and city council on the commission's activities and hold a public forum to review and discuss the annual report. The commission may also prepare written or oral reports on racial, religious, ethnic, gender, disability, age, or any marginalized group, and civic initiatives or relationships to cultivate and encourage an atmosphere of mutual understanding and harmonious intergroup relationships in the city, at its own initiative or upon request by city entities, businesses, or residents.

(K) Collaborate with human rights entities in other municipalities to share resources, conduct joint meetings, share best practices, and make joint statements and recommendations as appropriate on issues concerning the communities in the region.

(L) Work with the city's community engagement officer and Administration to encourage attendance at panels, meetings, conferences, celebrations or other educational or community events held by municipal or regional human rights committees, private or public corporations, organizations, schools and universities.

§__-.06 Staffing and Funding.

The Human Rights Commission will recommend staff support and financial resources as needed in its annual report and/or Action Plan in order to support the commission's administrative and programmatic activities.