



City Council Meeting

Tuesday, January 9, 2024 at 7:00 PM
Richard E. Mastrangelo Council Chamber

Agenda

ACCESS INFORMATION:

- A. This meeting will be held on January 9, 2024 at 7:00 P.M. Location: Richard E. Mastrangelo Council Chamber
- B. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/watch-now?site=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. ORGANIZATION
 - A. Selection of the City Council Vice President
 - B. Selection of Seating Assignments for City Council Members
 - 4. PUBLIC FORUM
 - 5. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
 - A. Minutes from City Council Meeting December 12, 2023
 - 6. PRESIDENT'S REPORT
 - A. Move Budget Submittal Date to April 23, 2024
 - B. Submit City Manager's Goals for Fiscal Year 2024
 - C. Committee Assignments of City Council Members
 - D. Refer to the Committee on Rules and Ordinances for a review of the Council Rules for this term
 - 7. PUBLIC HEARINGS
 - A. Public Hearing and Vote on a Proposed Ordinance regarding Snow and Ice Removal

- B. Public Hearing and Vote on a Proposed Ordinance requiring Closed Captioning for Public-Facing Televisions
 - C. First Reading on a Proposed Loan Order That the sum of \$498,000 is appropriated to pay costs of improvements at Saltonstall Park, including the demolition and removal of existing lighting and furnishing of new Musco or other sports lighting and appurtenances, and further including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor
8. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS
- A. An Order Relative to a Private Way Easement Agreement (66 Galen Street), a Highway Easement Agreement (66 Galen Street), a Highway Easement Agreement (51-57 Water Street) and a Public Parks Easement (66 Galen Street) to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute the Easements on Behalf of the City
 - B. An Amendment to the Cultural District Resolution, originally approved on November 14, 2023, to change the effective timeframe of the district from 5 years to 10 years
9. REPORTS OF COMMITTEES
- A. Committee on Economic Development & Planning Report regarding its meeting on December 18, 2023 - Feltner, Chair
- ACTION ITEM:
Recommend that the City Council confirm Robert Bloomberg for reappointment as the Historical Society member to the Historic District Commission for a term to expire November 15, 2026.
- ACTION ITEM:
Recommend that the City Council confirm Jae Hyoung Kim for reappointment as the AIA member to the Historic District Commission for a term to expire November 15, 2026.
10. NEW BUSINESS
11. COMMUNICATIONS FROM THE CITY MANAGER
- A. Request for Confirmation of Appointment and Reappointments to the Public Arts & Culture Committee
 - B. Request for Confirmation of Reappointment to the Licensing Board
12. REQUESTS FOR INFORMATION/REVIEW OF LIST OF PENDING MATTERS
13. ANNOUNCEMENTS
14. PUBLIC FORUM
15. RECESS OR ADJOURNMENT

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large
Nicole Gardner,
District A Councilor

District C Councilor
John G. Gannon,
Councilor At Large
Lisa J. Feltner,
District B Councilor

Anthony Palomba,
Councilor At Large
Emily Izzo,
District D Councilor

DECEMBER 12, 2023



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

CITY COUNCIL MEETING

TUESDAY, DECEMBER 12, 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 December 12, 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>

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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 (via Zoom), City Attorney, and Brendan T. McCarthy, Council Clerk.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM

There were no participants in Public Forum.

4. EXAMINATION OFF RECORDS OF PREVIOUS MEETINGS

A. Minutes from City Council Meeting November 14, 2023

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

The minutes were accepted unanimously in a Voice Vote.

B. Minutes from City Council Meeting November 27, 2023

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

The minutes were accepted unanimously in a Voice Vote.

5. PRESIDENTS REPORT

President Sideris remarked that this was the last City Council Meeting of the year and thanked the Council and staff for their efforts in 2023. He also wished everyone in the community a happy and healthy holiday season.

6. PUBLIC HEARINGS

There were no Public Hearings

7. MOTIONS, ORDERINANCES, ORDER, AND RESOLUTIONS

A. First Reading on a Proposed Ordinance Requiring Closed Captioning for Public-Facing Televisions

City Manager Proakis stated that he didn't have anything further to remark on the First Reading, but said he was looking forward to discussing the item with the Council at the time of its Public Hearing.

President Sideris remarked that the proposed ordinance is to require closed captioning for televisions in restaurants, bars etc. and that other surrounding communities have had implemented similar ordinances.

B. First Reading on a Proposed Ordinance regarding Snow and Ice Removal

City Manager Proakis thanked the Council and Committees for their work to get this to a First Reading. He pointed out that the that there is a penalty system implemented in the

ordinance for violations, and that there needs to be work done to address the execution of collecting fines with the administration. He also remarked that small parcels of land adjacent to properties may need to be better articulated in terms of residents' responsibilities.

C. Resolution on Appropriation of American Rescue Plan Act (ARPA) Funds

President Sideris stated that this would be moved to after the presentation of its corresponding Committee Report.

D. Resolution Authorizing a Transfer of Funds in the Amount off \$79,000 from FY24 City Council Reserve to FY24 Fire Clothing Allowance Account

City Manager Proakis remarked that he had previously come before the Council asking for funds in regard to reaching a Collective Bargaining Agreement with the Fire Union, and that this one-time Clothing Allowance was agreed upon, but had not been accounted for. He reiterated that this is not a reoccurring charge, but just reflective of an update and improvement of uniforms.

Councilor Piccirilli moved to approve the transfer of funds and Councilor Feltner seconded.

The motion passed unanimously in a Roll Call Vote.

E. 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)

City Manger Proakis stated that this item comes up due to the fact that an individual cannot have different contracts within the City without this exemption, and that often times these individuals are members of the School Department that then fill positions in the Recreation Department in terms of summer councilors or after school ski program instructors etc. He concluded that this process needs to happen annually.

Councilor Piccirilli moved to approve the exemptions of the 10 names listed in the attached memo and Councilor Feltner seconded.

Councilor Feltner asked if it is a requirement that the names of the individuals must be submitted every time they are in need of the exemption.

City Manager Proakis replied that it is required as the rule is constructed.

The motion passed unanimously in a Voice Vote.

8. REPORTS OF COMMITTEES

- A. Committee on Personnel and City Organization Report regarding its meeting on November 27, 2023 – Bays, Chair

ACTION ITEM:

To recommend the City Council approve provisionally the change in hours until the start of summer hours. At which time the DPW should report back to the PCO on whether the change is working as expected for residents, contractors, and staff. Based on that meeting, the PCO will make a final recommendation to the Council.

Councilor Bays presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gannon Seconded.

The motion passed unanimously in a Voice Vote.

Councilor Piccirilli moved to approve the Action Item and Councilor Gannon seconded.

Councilor Feltner was curious if there were discussions with how this may affect individuals whose schedule revolves around school times and if there was any discussion on a rotating schedule.

Superintendent St. Louis replied that he has personally been covering the desk due to staff outages over recent years and stated that there is an overwhelming disparity in the large amount of calls into DPW that occur before 8:30 AM as opposed to small amount of calls after 3:30 PM. He continued to say that because of the disparity, he didn't see a need for a rotating schedule.

Councilor Feltner thanked Superintendent St. Louis for his remarks as well as him manning the phones, but she remained curious about people whose schedules free up after 4 PM, and remarked that there is frustration in the community with regard to not being able to reach the DPW – particularly on weekends.

Councilor Gardner remarked that the issue of people coming to DPW after 4PM did come up in the Committee Meeting, but that what often happens is that the question or need a community member may have pertains to departments or individuals that cannot be reached at that time anyway, so the question or need is then referred to the appropriate party to deliver a response the following day. Therefore, changing the front desk and clerical hours to coincide with the laborers' hours would not make a difference with the concern of a resident seeking answers past 4 PM.

Councilor Palomba also expressed his concern with the earlier hours, and asked if there could be data collected over the course of the 6-month provisional time period to determine if actually working for the residents.

President Sideris suggested that a significant way to collect data is to keep track of all work that is done starting at 7 AM through the early afternoon.

The motion passed unanimously in a Voice Vote.

- B. Committee on of the Budget and Fiscal Oversight Report regarding its meetings on November 13 & 21, 2023 - Piccirilli, Chair
- C. Committee of the Budget and Fiscal Oversight Report regarding its meeting on December 4, 2023 - Piccirilli, Chair

Councilor Piccirilli Presented the two reports.

Councilor Piccirilli moved to accept the two reports and Councilor Gannon seconded.

Councilor Feltner made a request for an amendment of the report on December 4th, and stated that a misquoted sentence of hers which read, “others, such as the food pantry or social services, could not be evaluated in the same way” to correctly be replaced with “She expressed full support for the food pantry and Senior Services; those benefits are measurable and data-driven, unlike something like a study with unknown outcomes”.

Councilor Gardner seconded the amendment.

The amendment was approved unanimously in a Voice Vote.

The report was accepted unanimously in Voice Vote.

President Sideris moved back to **7 C**

7. MOTIONS, ORDERINANCES, ORDER, AND RESOLUTIONS

- C. Resolution on Appropriation of American Rescue Plan Act (ARPA) Funds

Councilor Piccirilli presented the Resolution.

President Sideris stated that this was not required to be presented in a Public Hearing, but as the distribution of ARPA funds has a direct impact on the community, he asked if anyone present or at home had questions, or wanted to make comment about with regard to the resolution.

Libby Shaw – 73 Templeton Pkwy – Stated that “Trees for Watertown” appreciates the allocated money for cost of tree trenches, and that they are interested in seeing how the trees will be managed to ensure healthy lives. She continued to say that the number of tree trenches is lower than what was originally asked, and as such, she hopes that they will be located in the areas of highest need.

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

President Sideris thanked the Committee for their efficient and hard work. He continued to say that he believed the process was a strong one that was a collaborative effort which gave back to many aspects of the community.

The resolution was approved unanimously in a Roll Call Vote.

Councilor Piccirilli thanked his fellow Committee members (Gardner and Izzo) for their hard work and their production as first term Councilors. He continued to say that this was the most engaging and transparent process that the Council and Committee has taken part in.

8. REPORTS OF COMMITTEES

- D. Committee on Public Works Report regarding its meeting on November 16, 2023 – Piccirilli Chair

ACTION ITEM:

The Committee Recommends that the City Council approve the Department of Public Works recommendations for the 2023 Local Road Construction Program as presented using the FY24 \$2.5 million loan order for George Street, Bromfield Street, Mangano Court, Grandview Avenue, and Dwight Street.

Councilor Piccirilli presented the report.

Councilor Piccirilli moved to accept the report and Councilor Feltner seconded.

The report was accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to approve Action Item and Councilor Feltner seconded.

Councilor Izzo thanked the DPW and the Committee for their efforts to continue to improve the streets, noting that several of these streets that are next on the docket are in her district.

Councilor Feltner mentioned that the PCI map is from June '22 and is looking forward to an updated map.

The motion passed unanimously in a Voice Vote.

9. NEW BUSINESS

There was no New Business.

10. COMMUNICATION FROM THE CITY MANAGER

A. Request for Confirmation for Reappointments the Historic District Commission

City Manager Proakis requested the reappointment of Elizabeth Hayes, Jae Hyung Kim, and Rober Bloomberg to the Historic District Commission.

President Sideris referred this to the Committee on Economic Development.

City Manager Proakis gave an update to the plans to move staff to the Parker School in that they were able to move IT to a permanent spot much in a much quicker timeframe and said that the Health Dept will be moved over to the Parker School shortly as well. He wished everyone a happy and healthy holiday season, mentioned the updated hours for the Administration Building, and reminded the public of the upcoming Inauguration.

11. REQUESTS FOR INFORMATION

There were no Requests for Information.

12. ANNOUNCEMENTS

There were no other Announcements.

13. PUBLIC FORUM

Recreation Director Peter Centola remarked that there will be a meeting on the Lowell School Playground in regard to its renovations.

15. 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 7:59 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 January 9, 2024.

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
Monday, December 12, 2023 at 7:00 PM
Richard E. Mastrangelo Council Chamber
Administration Building, 149 Main Street

List of Documents

1. Proposed Closed Captioning Ordinance – Item 7A
2. Proposed Snow and Ice Removal Ordinance – Item 7B
3. ARPA Appropriation Resolution – Item 7C
4. Transfer of Funds – Fire Clothing Allowance – Item 7D
5. Ethics Exemptions – Item 7E
6. Committee on Personnel and City Organization Report from 11/27/23 – Item 8A
7. Committee of the Budget and Fiscal Oversight Report from 11/13/23 & 11/21/23
Item 8B
8. Committee of the Budget and Fiscal Oversight Report from 12/4/23 – Item 8C
9. Committee on Public Works Report from 11/16/23 – Item 8D
10. Request for Confirmation – RoC – Item 10A

**ADDENDUM TO THE
MINUTES OF THE
DECEMBER 12, 2023 CITY
COUNCIL MEETING**



City Council Meeting
Tuesday, December 12, 2023 at 7:00 PM
Richard E. Mastrangelo Council Chamber
149 Main St
Watertown, MA

Agenda

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 - 2. PLEDGE OF ALLEGIANCE
 - 3. PUBLIC FORUM
 - 4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
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 - B. Minutes from City Council Meeting November 27, 2023
 - 5. PRESIDENT'S REPORT
 - 6. PUBLIC HEARINGS
 - 7. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS
 - A. First Reading on a Proposed Ordinance Requiring Closed Captioning for Public-Facing Televisions
 - B. First Reading on a Proposed Ordinance regarding Snow and Ice Removal
 - C. Resolution on Appropriation of American Rescue Plan Act (ARPA) Funds
 - D. Resolution Authorizing a Transfer of Funds in the Amount of \$79,000 from FY24 City Council Reserve to FY24 Fire Clothing Allowance Account

- E. 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)

8. REPORTS OF COMMITTEES

- A. Committee on Personnel and City Organization Report regarding its meeting on November 27, 2023 - Bays, Chair

ACTION ITEM:

To recommend the City Council approve provisionally the change in hours until the start of summer hours. At which time the DPW should report back to the PCO on whether the change is working as expected for residents, contractors, and staff. Based on that meeting, the PCO will make a final recommendation to the Council. The movement passed unanimously.

- B. Committee of the Budget and Fiscal Oversight Report regarding its meetings on November 13 & 21, 2023 - Piccirilli, Chair
- C. Committee of the Budget and Fiscal Oversight Report regarding its meeting on December 4, 2023 - Piccirilli, Chair
- D. Committee on Public Works Report regarding its meeting on November 16, 2023 - Piccirilli, Chair

ACTION ITEM:

The Committee Recommends that the City Council approve the Department of Public Works recommendations for the 2023 Local Road Construction Program as presented using the FY24 \$2.5 million loan order for George Street, Bromfield Street, Mangano Court, Grandview Avenue, and Dwight Street.

9. NEW BUSINESS

10. COMMUNICATIONS FROM THE CITY MANAGER

- A. Request for Confirmation for Reappointments to the Historic District Commission

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

12. ANNOUNCEMENTS

13. PUBLIC FORUM

14. RECESS OR ADJOURNMENT

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large
Nicole Gardner,

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

John G. Gannon,
Councilor At Large
Lisa J. Feltner,

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large
Emily Izzo,

CITY COUNCIL ATTENDANCE
MEETING DATE: DECEMBER 12, 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: DECEMBER 12, 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 Minutes from City Council Meeting November 14, 2023

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 Minutes from City Council Meeting November 27, 2023

Title XI Business Regulations

Chapter 117 Closed Captioning Activation

A. Purpose. The purpose of this ordinance is to expand accessible communication in places of public accommodation.

B. Definitions. When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

2. "Closed captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

3. "Public area" means any part of a public facility that is open to the general public.

4. "Public facility" shall have the same meaning as "place of public accommodation", as defined in G.L. c. 272, § 92A, and as used in G.L. c. 272, § 98, except as expressly limited by this Ordinance.

5. "Public entertainment venue" means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.

6. "Regular hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

C. Activating Closed Captioning.

1. Any person owning or managing a public facility in the City of Watertown must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.

2. Exception. -- This section does not require public entertainment venues to activate closed captioning on closed captioned television receivers.

3. This section does not require a public facility to make closed captioning available in a public area of the public facility if:

(a) no television receiver of any kind is available in the public area; or

(b) the only public television receiver available in the public area is not a closed-captioning television receiver.

4. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

D. Enforcement.

1. If a violation of Chapter 117 occurs, individuals can file a complaint with the City's ADA Coordinator.

2. The Commission on Disability shall work with the ADA Coordinator to help investigate complaints.

3. The ADA Coordinator and the Commission on Disability shall have the authority to investigate complaints brought forward, including but not limited to conducting unscheduled inspections of public facilities, holding mediation sessions with public facilities and other interested parties, and providing guidance for bringing public facilities into compliance.

Watertown Ordinance.

SUBCHAPTER II Snow and Ice Removal

§ 96.25 **-Snow and ice on public way.**

[1982 Code, Ch. VII, § 5; amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; amended Ord. 38, passed 5-13-1997; amended Ord. 13, passed 3-11-2003]

No person or entity, regardless of its ownership, tenancy, or other status or relationship to any real property, nor any agent, employee, contractor, or servant of any such person or entity, shall place, throw, plow or in any way move, any snow or ice onto any portion of the City's streets and ways. Without limiting the generality of the foregoing, streets and ways shall include the vehicular pavement, sidewalks, ramps, islands, and medians, whether used by vehicles or pedestrians. Notwithstanding the foregoing, however, this section shall not be construed to prohibit owners or lawful occupants of residential premises from placing snow and ice on the sidewalks immediately adjacent to the driveway opening as long as a minimum 42-inch pathway along the sidewalk, or the full width of the sidewalk if narrower, is provided for passage within 24 hours of cessation of snow, sleet or freezing rain.

§ 96.26 **Removal of snow and ice on sidewalks by abutting property owners**

[Ord. 39, passed 5-13-1997]

(A) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK(S)

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, paved and intended for the use of pedestrians.

SMALL RESIDENTIAL PROPERTIES

Any residential property with one, two or three residential units contained within.

ABUTTING PROPERTY OWNERS

The legal owners of real property abutting on a public street or way and, if in question, as determined by the Zoning Enforcement Officer.

(B) Snow and ice to be removed from sidewalks by abutting property owners.

(1)

(a) In order to provide for safe pedestrian passage and universal access, abutting property owners shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 42 inches, or to the full width of the sidewalk

if narrower, from that portion of the sidewalk which abuts their property. For properties abutting sidewalks with curb cuts, ramps, and other access points, abutting property owners shall provide unimpeded access to the street.

(b) Except as provided in (B)(2), snow, and ice shall be removed from sidewalks within 24 hours of cessation of snow, sleet or freezing rain.

(2) In the event that snow and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, abutting property owners shall, within the time mentioned in this section, cause enough sand or melting agent to be put on the sidewalk to make travel thereon reasonably safe, and thereafter, as soon as weather permits, shall cause a path to be cleared of such snow and ice of at least 42 inches in width, or to the full width of the sidewalk if narrower.

(3) In the event of a declaration of a State of Emergency by the Governor, applicable to an area of the Commonwealth which includes the City of Watertown, as a result of snow, sleet or freezing rain, the provisions of this section shall be suspended for a period of 24 hours after the cessation of the fall of such snow, sleet or freezing rain or until the end of the State of Emergency, whichever is the latest to occur. The City Manager may extend the deadlines set forth above as conditions may warrant.

§ 96.27 **Enforcement of snow and ice removal.**

[1982 Code, Ch. VII, § 5(C); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, Sec. C (2), passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

The City Manager, the Superintendent of Public Works, all Watertown police officers, the Code Enforcement Officer, and any other City employees from time to time designated by the City Manager, are empowered and authorized to enforce § 96.25 and § 96.26.

§ 96.99 **Penalty.**

[1982 Code, Ch. VIII, § 24; 1982 Code, Sec. 5(B); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

(A) The penalty for violation of § 96.16 shall be \$200.

(B) Anyone violating the prohibitions of § 96.25 of this chapter shall be subject to a specific penalty of a fine in an amount up to \$300 for each offense. The fine structure is as follows:

(1) All first violations: Documented warning.

(2) Subsequent violations:

(a) Residential (less than six dwelling units):

1. Manual snow shoveling:
 - a. Second violation: \$25 fine.
 - b. Third or more violations: \$50 fine.
 2. Mechanized snow shoveling:
 - a. Second violation: \$25 fine.
 - b. Third violation: \$100 fine.
 - c. Fourth or more violations: \$300 fine.
- (b) Commercial and six or more dwelling units residential:**
1. Manual snow shoveling:
 - a. Second violation: \$50 fine.
 - b. Third or more violations: \$300 fine.
 2. Mechanized snow shoveling:
 - a. Second violation: \$150 fine.
 - b. Third or more violations: \$300 fine.

(C) Anyone violating § 96.26 of this chapter shall be fined as follows:

(1) For Small Residential Properties

- a. First Violation: documented warning
- b. Second Violation: ~~-\$50~~
- c. Third and Subsequent Violations: ~~-\$100~~ for the third and all subsequent violations in the same winter season

(2) For All Other Properties

- a. First Violation: documented warning~~-~~
- b. Second Violation: \$100
- c. Third Violation: \$200
- d. Fourth and Subsequent Violations: \$300 for a fourth and all subsequent violations during the same winter season~~-~~

(D). Exemptions. The City Manager may issue regulations providing exemptions from this section for residents who are unable to meet the physical requirements of this section, particularly for low-income, elderly, or disabled residents, or for other unusual circumstances.

(E) These penalties may be enforced by non-criminal disposition procedures pursuant to Mass. Gen. Laws Ch. 40, § 21D and § 35.05 of this code.

(F) Any person violating any other provision of this chapter shall be punished according to § 10.99 of this code.

[891668/WATR/0103](#)



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

Committee on Public Works

Councilor Piccirilli, Chair, Lisa Feltner, Vice Chair, Councilor Palomba, Secretary

Committee on Rules and Ordinances

Councilor Gannon Chair, Councilor Airasian, Vice Chair, Councilor Feltner, Secretary

Committee Report

November 14, 2023

The meeting took place on Monday, September 25 at 6:30 PM in the City Council Chambers on the second floor of City Hall. It was a hybrid meeting which allowed for the public to join via Zoom. It was also being recorded by Cable Access TV. The public was able to submit comments by email to apalomba@watertown-ma.gov.

Those attending included all the members of the Committee on Public Works and the Committee on Rules and Ordinances (see above) as well as City Council President Sideris and Councilor Gardner. Also attending were Steve Magoon, Assistant City Manager and Director of the Department of Community Development and Planning, Michael Albano, Zoning Code Enforcement Officer, and Andy Campagna from the Bicycle Pedestrian Committee. Joining on Zoom were Greg St. Louis, Superintendent of the Department of Public Works, Dean Martino, Susan Flint from Watertown for All Ages, Joan Gumbleton, and Cindy Wentz.

PLEASE NOTE: The meeting lasted nearly 3 hours and 30 minutes. The minutes represent an effort to report on key discussions and decisions. Please visit

<http://vodwcatv.org/CablecastPublicSite/show/2772?site=3> to view the full recording of the meeting.

The purpose of the meeting was to continue discussion in order to make recommendations on a Sidewalk Snow Shoveling Ordinance.

Councilor Piccirilli asked that the Committees refer to the Sidewalk Snow Shoveling Exemptions – Regulations for Watertown Ordinance draft dated 12/13/22 from the Administration (see the attachment). It should be noted that the Exemptions are appearing in the Regulations and not in the Ordinance because it allows for changes to be made based on new information without amending the Ordinance.

There are two major reasons for allowing an exemption –

- 1) The applicant must be over 65 years of age or have a disability
AND
- 2) be income eligible.

In addition “all members of the household or residential structure must qualify”.

(Please see the draft for specifics about income limits and proof of disability.)

There was also an exemption that the City Manager or designee could make for unusual or extenuating circumstances, such as corner lot where snow has been piled.

In response to a question about what exemptions other communities have in their snow shoveling ordinances, Mr. Magoon noted that Belmont only allows an exemption if the owner is going to be

absent for more than five days and that Newton does allow for exemptions based on hardship and health and based on financial or religious circumstances.

Discussion Among Members of the Committees

There was little discussion regarding the issue of age or disability, but significant discussion regarding the income requirement and the requirement that all members of the household or residential structure must also be over 65 years of age or have a disability AND be income eligible.

Regarding the income limits, there was a suggestion that an owner who is renting apartments may not be eligible for an exemption because they are running a business and therefore might not meet the income requirements. However it was pointed out that even if this is so the expenses of running a business may exceed the rental income and thus the owner may still qualify. It was suggested that the income limits be a combination of income and assets which is what the Assessor uses when determine if a senior qualifies for a tax exemption. Finally, there was the question of how “income” is calculated by HUD – is it total income or adjusted income. This discussion did not result in any changes to the draft Regulations.

There was more discussion regarding the requirement that all members of the household qualify for an exemption. During the discussion we learned that tenants are not responsible for shoveling any area rather it is the owner who is responsible, by state law, to clear the path between the house and the sidewalk and the driveway. The Ordinance would now make the owner also responsible for clearing the sidewalk in front of their property. We also learned that a personal care attendant cannot be considered a member of a household as they are usually an employee of an agency. In addition it was clarified that a condo association would be responsible for shoveling and would not be exempt and the association would be ticketed if the sidewalk was not cleared.

A key issue was whether anyone in the household, who does not qualify for the exemption, could be responsible for shoveling the sidewalk. For example, if a son or daughter is living with their mother who owns the property and who is 65 years of age or has a disability and meets the income limits, then there would be no exemption, since not everyone in the household qualifies.

Related was the concern of what is meant by “residential structure”. If a father and mother live on the first floor of a two family house and their daughter and her family live on the second floor, but do not pay rent, can the house be exempt. In such a situation, which is not usual, the property would not be exempt since the Regulations reads “All members of the household or residential structure must be qualified.” (Note: While there is a definition in the Ordinance for “small residential property”, there is no definition for “household” or “residential structure”.)

Eventually, Councilor Feltner made a motion to strike the words “or residential structure” from 1D which was seconded by Councilor Palomba. Following additional discussion and a statement by Councilor Gannon that his ultimate goal throughout the process is to make Watertown a more walkable city and that exemptions should not be given easily, the motion passed 4 in favor and 1 opposed, with Councilor Gannon voting against the motion.

The members of the Committees agreed to three additional changes to the Regulations.

- 1) Under Application – #4 the Committees agreed to add the Commission on Disabilities, the Watertown Police Department, and the Department of Public Works.
- 2) Under Application – #3 the Committees agreed to add the words “to be appointed by the Manager” at the end of the first sentence.
- 3) Under Application – #5 The Committees agreed to add the words “to household receiving an exemption” after the word, “assistance”.

Councilors Feltner and Gardner raised a concern about the narrowness of #2 under Application as it could be read to imply that applications can only be made in September and October and did not take into account a variety of possibilities such as someone became disabled after those dates. It was decided that the Administration could address these and other similar situations and that the intention was to get as many applications as possible submitted so a list of exempt properties could be developed and ready to be distributed to the departments listed above. It was noted that resident Cindy Wentz agreed with Councilors Gardner and Councilor Feltner that #2 was not clear and would be interpreted to mean applications were only accepted in September and October.

The discussion on the exemptions concluded and the Committees moved on to a number of specific questions that had been brought up at an earlier meeting.

1) The first question was addressed to the Administration regarding how exemptions would be managed, particularly where there is an exemption on a sidewalk that has a high volume of users or is on a busy road. Mr. Magoon spoke about the volunteer program through the Recreation Department and Senior Services, but noted that there are more requests for help than there are students to help. Another suggestion was to pay students but upon discussion with the Recreation Department it was determined that there are not a lot of students willing to work in the winter months during school. There was also consideration of hiring snow removal crews. However at this time the Administration has not approved spending money to shovel the walks of exempt properties, in part because there is no data yet on how many exemptions there will be. Continued discussion included the following suggestions:

- a) Estimate the cost of hiring crews based on the square footage that would need to be shoveled and the number of anticipated exempt properties.

- b) Appeal to neighbors to help those whose properties are exempt and possibly creating a “Help Your Neighbor” campaign.
- c) Call on the many civic groups in the City to have their members be responsible for a certain number of exempt properties.

Mr. Magoon offered that he would speak with the Administration and others and come up with a one-page statement about the approach that will be followed to address this particular problem and share it with the Committees.

2) The next question was about enforcement. After a discussion with the Committee members and Mr. Magoon there was consensus that:

- a) There should be a robust awareness/education campaign about the new Ordinance using the City’s social media platforms, the web pages of individual departments, and the outreach capacities of civic groups – Watertown Business Coalition, Watertown Community Foundation, etc.
- b) The City does not have the resources to actively look for those individuals who do not comply with the Ordinance and that enforcement will continue to be complaint driven.
- c) That the City’s main goal on all code-related issues is compliance not punishment.
- d) That it is possible to go through the first winter only issuing warnings except for those individuals who are continually in violation of the Ordinance.
- e) That the City, depending on the availability of staff, would re-inspect properties that have been issued a warning and if the walk has not been shoveled they would issue a ticket.
- f) Enforcement personnel hope to have hand-held devices that would produce the ticket at the location and would flag a property that has already been warned or ticketed. Presently this is not possible.
- g) The Administration will develop a one-page statement about how enforcement would work during the first year the Ordinance and share it with the Committees.

3) The next issue had to do with the shoveling of sidewalks abutting city property. We received a list of all bus stops and crosswalks cleared by the Department of Public Works as well as a list of school sidewalk routes that are cleared (see the attached lists and related memo from Superintendent St. Louis). Councilor Piccirilli noted that there are a significant number of sidewalks abutting city properties and asked how these walks would be cleared and what department would be responsible for doing it. He also was concerned about snow plow operators leaving large piles of snow on the corners and crosswalks of intersections. Superintendent St. Louis said that DPW does shovel the walks abiding city property but may not do it until a day or two after the snowfall. He also stated that if DPW was to shovel all the walks abiding City properties in the 24-hour period required by the Ordinance it would require more personnel and additional financial resources.

4) There was a discussion of properties that do not naturally abut a resident’s property (for example on Arsenal Street near Toyota), that are under the control of DCR (for example on Wheeler Street), and that are simply not tended to by DPW (for example on Cozy Street). The Committee agreed to request that DPW create memo that includes a complete inventory of all city-owned streets, state properties, and special situation such as the Arsenal Street example (above), prioritize the inventory based on factors such as level of use, offer a strategy of how to clear those priorities, and include an estimate of what resources would be needed to do so. There were two additional requests to this memo:

- a) Clarify and update two lists of sidewalks that DPW says are plowed – “Bus Stops and Crosswalks to be Cleared” and “School Sidewalk Routes”, and
- b) Address the problem of snow plow operators plowing corners of intersection in such a way that result with high piles of snow at the crosswalk and the corner of the intersection.

5) Councilor Gannon identified a mistake in the Ordinance in E under Section 96.99 Penalty such that 35.05 should read “36.06 of the code”.

6) Regarding a concern raised at the last meeting, it was stated that the opinion of the City’s attorney was that the word “anyone” that appears in Section 96.99(C) under Section 96.99 Penalty in the Ordinance does not need to be changed to “abutting property owner” (see the attached memo from KP Law).

Discussions of Motions

The Committees turned their attention to possible motions. The following motion was put forth by Councilor Feltner and was seconded by Councilor Gannon.

Three Part Motion/ACTION ITEM

- a) The Committees ask the Administration to have KP Law review the final draft of the proposed Ordinance.**
- b) The Committees ask the Council President to bring the proposed Ordinance forward for a first reading after the KP Law review.**
- c) The Committees ask the City Council to endorse the Regulations to the Ordinance.**

However before the vote on the Motion, we heard from resident Dean Martino who asked if he would be liable if someone was injured on the his sidewalk since he will now be responsible for shoveling it and could be ticketed if he does not. He was assured that he would not be liable. The liability rests with the property owner and the property under the sidewalk belongs to the City. He was also informed that he is responsible for clearing his sidewalk more than once if necessary within the 24-hour period and that he is not responsible for any damage to the sidewalk from salt he might use. Mr. Martino also asked whether students could fulfill their community service requirements by being part of the Recreation Department and Senior Services program that matches students with residents who need their sidewalks shoveled. He was told that this does happen. Finally, he pointed to the sidewalk on Main Street in front of Saltonstall Park that is not shoveled regularly.

The Committees also heard from Andy Campagna who was concerned about the probability that snow will not be removed from many of the exempt properties and that we need to manage our expectations and be prepared to address this problem. He further suggested that if the Committees are going to review the implementation of the Ordinance after the first year that the decision should be formalized. He was assured that a motion regarding revisiting the Ordinance will be presented tonight.

The Committees then voted in favor of the three-part Motion 5 – 0.

Councilor Feltner made a motion that was seconded by Councilor Palomba.

Motion/ACTION ITEM

The Committee on Public Works and the Committee on Rules and Ordinances shall review the data after the first winter but prior to May 30 to evaluate the results of the program and propose possible changes to the Ordinance and the Regulations.

Prior to voting on the motion there was a recommendation to include a date by when the data will be available and what data specifically should be required. The Committees agreed to add “but prior to

May 30” to the motion (see above). The Committees also felt confident that the Mr. Magoon understood the type of data that the Committees would need in order to properly evaluate the program.

The Motion passed 5 – 0.

Councilor Palomba made a motion that was seconded by Councilor Airasian.

Motion/ACTION ITEM

The Committees agreed to refer to the Committee on Public Works a discussion of the how the clearing of sidewalks abutting municipal and state own properties, as well as sidewalks in unusual situations, will be addressed; and a discussion of snow plowing at the corners of intersections.

The Motion passed 5 – 0.

Councilor Palomba made a motion to adjourn which was seconded by Councilor Gannon and was passed 5 – 0. The meeting adjourned at 9:53 PM.

The Minutes were prepared by Council Palomba

Sidewalk Snow Shoveling Exemptions

DRAFT: 12-13-22

Regulations for Watertown Ordinance, SUBCHAPTER II Snow and Ice Removal

§ 96.26 Removal of snow and ice on sidewalks by abutting property owners

Exemptions

1. The Watertown City Manager or designee (probably should name a designee) may exempt certain property owners who reside at an address within Watertown from the requirements of § 96.26 Removal of snow and ice on sidewalks by abutting property owners for one or more of the following reasons.
 - a. reasons of physical and financial limitations that prevent them from clearing snow from abutting sidewalks.
 - i. Applicants must be over the age of 65
OR have a disability
 - ii. AND be income eligible
 - b. Income limits are set at 50% of median household income as determined by HUD and updated from time to time. Acceptable proof of income includes a copy of SNAP EBT card, MassHealth Card, fuel assistance authorization, Watertown property tax exemption, or other income limited program, or your most recent tax return showing gross household income.
 - c. Proof of disability that would prevent snow removal activities includes information from a doctor or other health care provider, or SSDI documentation.
 - d. All members of the household or residential structure, must be qualified.
2. The City Manager or designee may also exempt property owners and properties from the requirements of § 96.26 for other unusual or extenuating circumstances including physical constraints of the specific property that make it unreasonably difficult to clear snow or for temporary circumstances that impact a property. This is for unique circumstances that are not found in other locations in the City.

Application

1. Application for Exemption is available online or from the Council on Aging. Call 617 972-6490.
2. Application can be made in the months of September and October of each year.
3. A denied application can be appealed to a Hearing Officer. A decision of the Hearing Officer is final.
4. Certified exemptions will be kept at the Council on Aging and the Zoning Office for enforcement.
5. The Recreation Department may be able to provide shoveling assistance, which is arranged on a first come first served basis.

HUD Income Limits 2021

Household size	1	2	3	4	5
Very Low Income (50% of median)	\$47,000	\$53,700	\$60,400	\$67,100	\$72,500

WATERTOWN DEPARTMENT OF PUBLIC WORKS
BUS STOPS AND CROSSWALKS TO BE CLEARED

ARLINGTON STREET

203 ARLINGTON STREET	CROSSWALK
NICHOLS & COOLIDGE HILL ROAD	CROSSWALK
ARSENAL	CROSSWALK

ARSENAL STREET

MILLER'S ALE HOUSE	BUS STOP / CROSSWALK
AT SARRIS AUTOMOTIVE	CROSSWALK
HOME DEPOT	CROSSWALK
RESIDENT INN MARRIOTT	BUS STOP / CROSSWALK
ACROSS FROM FRIENDLIES	BUS STOP
ACROSS FROM WATERTOWN MALL	BUS STOP
WATERTOWN MALL	CROSSWALK
NEXT TO OMNI FOODS	BUS STOP
ARSENAL MALL FRONT ENTRANCE	CROSSWALK
WATERTOWN MALL REAR ENTRANCES	CROSSWALK & OPEN CORNERS
AUTO ZONE	CROSSWALK
440 ARSENAL STREET	BUS STOP / CROSSWALK
SCHOOL STREET AT ARSENAL STREET	BUS STOP / CROSSWALK
TOYOTA OF WATERTOWN	BUS STOP
LOUISE	CROSSWALK EACH SIDE
BEECHWOOD	BUS STOP / CROSSWALK
187 ARSENAL	CROSSWALK
N BEACON PARK	BUS STOP
160 ARSENAL STREET	BUS STOP
IRVING STREET	BUS STOP / CROSSWALK
EDISON PLANT	BUS STOP
TAYLOR STREET (FIRESTONE)	CROSSWALK
AT SQUARE	CROSSWALK

GALEN STREET

AT SQUARE	CROSSWALK
NONANTUM	CROSSWALK
WATERTOWN ST	CROSSWALK
97 GALEN ST	BUS STOP
MORSE ST	CROSSWALK
BOYD ST	EACH BUS STOP

WATERTOWN DEPARTMENT OF PUBLIC WORKS

BUS STOPS AND CROSSWALKS TO BE CLEARED

BELMONT STREET

NEAR DUFF ST	BUS STOP AT EACH SIDE
TOWNLY ROAD	CROSSWALK
SYCAMORE STREET	CROSSWALK
CIRCUIT LANE	CROSSWALK
ORCHARD AND WAVERLEY	CROSSWALK
ORCHARD AND CARROLL	4 CORNERS

MT AUBURN STREET

17 MT AUBURN	BUS STOP
TAYLOR STREET	CROSSWALK
SUMMER STREET	CROSSWALK AT BUS STOP
PATTEN STREET	BUS STOP - EACH SIDE
IRVING STREET	CROSSWALK
133 MT AUBURN STREET	BUS STOP / CROSSWALK
COMMON STREET	CROSSWALK
195 MT AUBURN STREET	BUS STOP / CROSSWALK
WALNUT STREET	BUS STOP / CROSSWALK
254 MT AUBURN STREET	BUS STOP
271 MT AUBURN STREET	BUS STOP - EACH SIDE
305 MT AUBURN STREET	BUS STOP - EACH SIDE
348 MT AUBURN STREET	CROSSWALK
361 MT AUBURN STREET	BUS STOP - EACH SIDE
WINTHROP	BUS STOP / CROSSWALK
SCHOOL STREET	CROSSWALK
465 MT AUBURN STREET	BUS STOP
EACH BRANCH LIBRARY	CROSS WALK
535 MT AUBURN STREET	BUS STOP / CROSSWALK
ELTON AVE	CROSSWALK
7-11 MARKET	BUS STOP
TOWN DINER	BUS STOP
BIGELOW AVE	CROSSWALK
ARLINGTON STREET	CROSSWALK
705 MT AUBURN STREET (TUFTS BLDG)	BUS STOP / CROSSWALK
781 MT ABURN STREET	BUS STOP / CROSSWALK
805 MT AUBURN STREET	BUS STOP
CAMBRIDGE LINE	BUS STOP / CROSSWALK

WATERTOWN DEPARTMENT OF PUBLIC WORKS

BUS STOPS AND CROSSWALKS TO BE CLEARED

WATERTOWN STREET

194 WATERTOWN STREET	BUS STOP - EACH SIDE
STOP & SHOP ENTRANCE	CROSSWALK
HYBERNIANS	BUS STOP - EACH SIDE
FIFTH AVE	CROSSWALK
65 WATERTOWN STREET	BUS STOP
50 WATERTOWN STREET	BUS STOP
AT BUS STOP SHELTER NEXT TO RIVER	BUS STOP

MAIN STREET

ACROSS FROM LONGFELLOW RD	BUS STOP
ACROSS FROM EDWARD RD	BUS STOP
683 MAIN STREET	BUS STOP / CROSSWALK
MAIN STREET AT EVANS	BUS STOP
625 MAIN STREET	CROSSWALK AT BUS STOP
590 MAIN STREET	CROSSWALK AT BUS STOP
POLICE STATION	BUS STOP / CROSSWALK
MAIN STREET AT PILGRIM ROAD	CROSSWALK
476 MAIN STREET	BUS STOP
MAIN STREET AT LEXINGTON STREET	4 CROSSWALKS
MAIN STREET AT DUNKIN DONUTS	BUS STOP
E.C. SHAW (FRENCH STREET)	BUS STOP
MAIN STREET & WAVERLEY AVE	4 CROSSWALKS / BUS STOP
MAIN STREET AT WHITES AVE	BUS STOP
ST PATS	2 CROSSWALKS / BUS STOP
TOWN HALL	BUS STOP / CROSSWALK
POST OFFICE	CROSSWALK
ACROSS FROM FIRE DEPARTMENT	BUS STOP
85 MAIN STREET	CROSSWALK
MAIN STREET & CHURCH STREET	CROSSWALK
MAIN STREET & PLEASANT STREET	BUS STOP / CROSSWALK
WATERTOWN SQUARE	ALL CROSSWALKS & BUS STOPS
MAIN STREET AT MT AUBURN STREET	CROSSWALK

NORTH BEACON STREET

ALFRED	CROSSWALK
IRVING STREET	CROSSWALK
BEECHWOOD	CROSSWALK
LOGAN FURNITURE	CROSSWALK

SCHOOL SIDEWALK ROUTES

<u>STREET</u>	<u>AREA TO BE DONE</u>	<u>DONE</u>
WESTMINSTER AVE	SCHOOL SIDE , MAIN ST TO BANCROFT ST	
BANCROFT ST	SCHOOL SIDE, WESTMINSTER AVE TO WAVERLEY AVE	
WAVERLEY AVE	ONE SIDE, ORCHARD ST TO MAIN ST	
ORCHARD ST	ONE SIDE, COMMON ST TO LEXINGTON ST	
WARREN ST	ONE SIDE, WAVERLEY AVE TO TOWN LINE	
COMMON ST	ONE SIDE, ORCHARD ST TO COLUMBIA ST	
COMMON ST	BOTH SIDES, COLUMBIA ST TO MT AUBURN ST	
CARROLL ST	SCHOOL SIDE, ORCHARD ST TO LOWELL AVE	
LOWELL AVE	SCHOOL SIDE, CARROLL ST TO GEORGE ST	
YORK AVE	PARK SIDE	
GEORGE ST	SCHOOL SIDE, ORCHARD ST TO WILSON AVE	
BOYLSTON ST	SCHOOL SIDE, MT AUBURN ST TO CONCORD RD	
CONCORD RD	SCHOOL SIDE SIDE, FULL LENGTH	
CHAUNCEY ST	SCHOOL SIDE, CONCORD RD TO HANCOCK ST	
HANCOCK ST	SCHOOL SIDE, FULL LENGTH	
WINTHROP ST	SCHOOL SIDE, FULL LENGTH	
MAIN ST	BOTH SIDES, WATERTOWN SQ TO WALTHAM LINE AND AROUND DELTA AND BRIDGE	
NORTH BEACON ST	PERKINS SCHOOL SIDE, WATERTOWN SQUARE TO BEECHWOOD AVE	
MT AUBURN ST	BOTH SIDES, WATERTOWN SQUARE TO CAMBRIDGE LINE	
GALEN ST	BOTH SIDES, WATERTOWN SQUARE TO NEWTON LINE	
WATERTOWN ST	ONE SIDE, GALEN ST TO NEWTON LINE	
	SALTONSTALL / LINEAR PARK	
	MERCHANTS ROW	
FILLIPELLO PARK	GROVE ST TO ARLINGTON ST	
SULLIVAN PARK	MT AUBURN ST TO END OF PARK	

[Watertown] Snow Shoveling Ordinance - draft regulations

Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Mon, Sep 25, 2023 at 11:02 AM

To: "Gannon, John" <jgannon@watertown-ma.gov>, "Feltner, Lisa" <lfeltner@watertown-ma.gov>, John Airasian <jairasian@watertown-ma.gov>, "Palomba, Anthony" <apalomba@watertown-ma.gov>

FYI

From: St. Louis, Gregory <gstlouis@watertown-ma.gov>

Sent: Monday, September 25, 2023 10:40 AM

To: Magoon, Steve <smagoon@watertown-ma.gov>; Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>

Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>; Cookson, Michael <mcookson@watertown-ma.gov>

Subject: Re: Snow Shoveling Ordinance - draft regulations

1) The priority list of sidewalks and corners they clear.

Snow & Ice | Watertown, MA - Official Website (watertown-ma.gov)

Snow & Ice | Watertown, MA - Official Website

Information about snow and ice.

www.watertown-ma.gov

These are all detailed on the Snow and Ice webpage.

DPW clears and salts linear path from Church St to Waverly

(Gravel path at Howard does not get cleared as it is not paved)

(Commercial properties clear linear path School St to Irving St.

2) The priority list of city-owned properties they clear.

Property and Buildings clears and salts walkways at all school and municipal locations.

DPW opens up the parking lots and public sidewalks at the end of the storm and

salt all school parking lots and municipal parking lots.

3) The list of state-owned properties they clear.

MBTA: SHOULD clear the Bus Stops loading areas

DOT: SHOULD clear the bridge at Galen and bridge at Main

Plow Main Street Waltham to Bacon

DCR at the Square through Charles River Road to Brighton

Let me know.

Thanks

Vinnie

From: Magoon, Steve <smagoon@watertown-ma.gov>

Sent: Tuesday, December 13, 2022 1:52 PM

To: Feltner, Lisa <lfeltner@watertown-ma.gov>; Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>

Cc: Mark R. Reich <mreich@k-plaw.com>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Proakis, George <gproakis@watertown-ma.gov>; Wiener, Laura <lwiener@watertown-ma.gov>; Schreiber, Gideon <gschreiber@watertown-ma.gov>

Subject: Snow Shoveling Ordinance - draft regulations

Councilors, attached is a draft of the regulations that tries to capture all of the discussion items identified at our last work session. I have also included both Mark Reich and Greg St. Louis on this, as you requested information from each of them when we hold our next meeting. For Mark you asked that he respond to the ability to lien properties for unpaid fines and that it may be beneficial for an attorney to attend the next work session. You also asked that DPW provide a priority list of the sidewalks, city properties, and any State property that we clear of snow. Let me know if there are any questions. Thanks

Steve Magoon

Acting Deputy City Manager, Director, Community Development and Planning

Watertown Administration Building

149 Main Street

Watertown, MA 02472

Office 617 972-6417

Cell 617 987-1136

When writing or responding, please remember that any email sent or received by an employee of the City of Watertown is subject to the Massachusetts Public Records Law (M.G.L. c. 66).

[Watertown] Snow Shoveling Ordinance - draft regulations

Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Mon, Sep 25, 2023 at 2:38 PM

To: "Gannon, John" <jgannon@watertown-ma.gov>, "Feltner, Lisa" <lfeltner@watertown-ma.gov>, John Airasian <jairasian@watertown-ma.gov>, "Palomba, Anthony" <apalomba@watertown-ma.gov>

FYI

From: Mark R. Reich <MReich@k-plaw.com>

Sent: Monday, September 25, 2023 12:28 PM

To: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Magoon, Steve <smagoon@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>

Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>; Sideris, Mark <msideris@watertown-ma.gov>

Subject: RE: Snow Shoveling Ordinance - draft regulations

Councilor –

I have reviewed the report from the joint meeting of the Committee on Public Works and the Committee on Rules and Ordinances held on October 17, 2022 which was attached to your e-mail. That report presented two questions for consideration by the City Attorney.

1. "Committee members indicated that they felt the draft did incorporate the changes. However, Councilor Piccirilli raised a concern about the wording in Section 96.99 Penalty (C), specifically whether the word "anyone" should be changed to "abutting property owner" so as to be consistent. There was a short discussion of the issue and a determination that KP Law should be consulted on how best to proceed."

Please note that §96.99(C) provides for enforcement of §96.26 of the Ordinance, which addresses the removal of snow and ice by private persons in the Business District. The provisions of §96.26 govern actions by private persons not limited to abutting property owners, stating in part, "Every person in charge or control of any building or lot of land within a business district and used for business purposes in the city fronting on or abutting a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice..." §96.26(B)(1)(a). Thus, enforcement may be taken against any "private person", which term is defined in §96.26 as "Every person, partnership, corporation, joint-stock company, or other entity, whether as owner, tenant, occupant, lessee, or other agent." In my opinion, this definition is broader than "abutting property owner" as it addresses individuals who may be in violation of the Ordinance and who are not abutting property owners. In my opinion, revisions would be required to §96.26 if the intent is to limit enforcement to "abutting property owner". Otherwise, in my opinion, the word "anyone" is appropriate as it addresses any private person violating the Ordinance. However, consideration may be given to amending the Ordinance to revise the references to "person" as it appears in §96.26 as the definition of "private person" includes but is broader than "person".

2. Returning to the issue of enforcement, there was a discussion about scofflaws, that is someone who refuses to pay their fines. The Committees requested an opinion of KP Law about adopting state regulations that would allow the City to put a lien on the property or apply the unpaid fees to the property owner's tax bill.

2.

The provisions of G.L. c. 40, §58 allow for the imposition of a "municipal charges lien" on property located within the City for any local charge or fee that has not been paid by the due date. This statute is subject to consideration by the

City Council, with the municipal charges lien for each type of charge or fee to be undertaken pursuant to a separate vote of the City Council. I have drafted an Order for consideration by the City Council which includes a variety of City charges for which municipal charges lien may be imposed based upon non-payment, including snow and ice enforcement charges. That Order appears on the agenda for the City Council meeting tomorrow night.

Please note that the below e-mail was the first notice I received of this meeting. Unfortunately, based upon this late notice and the pending Jewish holiday, I am unable to attend tonight's meeting. I hope that the above opinion addresses the issues being raised.

Thank you.

Mark

Mark R. Reich, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

mreich@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

[Quoted text hidden]

[Quoted text hidden]

DCR Nonantum from Galen to Newton
DCR /DOT to clear Arsenal @ Brighton Bridge
DCR /DOT to clear N. Beacon @ Brighton Bridge
DCR clears linear path from Arsenal Street to Cambridge

Greg

Gregory M. St. Louis, PE, LEED AP BD+C
Superintendent of Public Works
124 Orchard Street
Watertown, MA 02472
gstlouis@watertown-ma.gov
O: 617.972.6420 ext.13117

From: Magoon, Steve <smagoon@watertown-ma.gov>
Sent: Monday, September 25, 2023 10:16 AM
To: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>
Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>
Subject: RE: Snow Shoveling Ordinance - draft regulations

Both Tony Mancini and I will be attending. Thanks

From: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>
Sent: Monday, September 25, 2023 10:11 AM
To: Magoon, Steve <smagoon@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>
Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>
Subject: Re: Snow Shoveling Ordinance - draft regulations

Steve & Greg & Mark

The meeting is tonight at 6:30 pm <https://watertownma.portal.civicclerk.com/event/5411/files>

Mark: In the Committee report, we need KP Law to attend the meeting given that there were two requests for legal opinions made during the meeting and there could be more. Having KP Law present to render a ruling could save time and be more efficient. Can KP Law provide answers to the questions raised at the last meeting, in writing, for tonight's meeting? Can you confirm someone from KP Law will attend tonight?

Greg: In the Committee report, we requested that the Department of Public Works provide the following information:

- 1) The priority list of sidewalks and corners they clear.
- 2) The priority list of city-owned properties they clear.
- 3) The list of state-owned properties they clear.

Can you please provide answers in writing for tonight's meeting? Can you confirm someone from DPW will attend tonight?

Steve: I assume someone from DCDP will attend tonight also.

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 Appropriation of ARPA Funds



Watertown City Council

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

RESOLUTION # 85

2023 – R - 85

RESOLUTION ON APPROPRIATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, the American Rescue Plan Act (ARPA) is a response by the federal government to address the COVID 19 pandemic by a direct allocation of \$350 billion to state, county and municipal governments; and

WHEREAS, the City of Watertown received \$10,742,413 in ARPA funds that must be encumbered by December 31, 2024, and fully spent by December 31, 2026; and

WHEREAS, the ARPA funds may be used for Public Health, Responding to Negative Economic Impacts, Services to Disproportionately Impacted Communities, Water, Sewer & Broadband Infrastructure, and Revenue Replacement; and

WHEREAS, the City Council voted on July 13, 2021 to task the Committee on Budget and Fiscal Oversight to develop recommendations for the spending of the ARPA funds in a manner that reflects the priorities of the City Council; and

WHEREAS, the Committee on Budget and Fiscal Oversight engaged in community outreach to hold informational forums and develop guidelines for requesting proposals from the public and city departments; and

WHEREAS, the Committee on Budget and Fiscal Oversight developed an open, collaborative, and transparent process to make funding recommendations that reflected our community's values as outlined in the Watertown Charter Preamble, and

WHEREAS, the Committee on Budget and Fiscal Oversight's recommended allocations total \$4,868,829 (45%) for Water & Sewer Infrastructure, \$4,437,255 (41%) for Social Services, and \$1,436,329 (13%) for Climate and Energy.

NOW THEREFORE, BE IT RESOLVED that the City Council appropriates the American Rescue Plan Act funds as follows:

Application Number	Project Name and Organization	Explanation	Funding Amount
ARPA-02	Additional Private Workspace - Library	Fund at minimum request.	\$18,000
ARPA-03	Cultural District Matching Funds - DCDP	Fund at minimum request.	\$10,000
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	Fully fund.	\$317,578
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	Fund at minimum request.	\$84,428
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	Minus administrative fee 38,782.	\$258,550
ARPA-11	McSherry Gardens Improvements - WHA	Minus contingency fee 24,108.	\$1,621,760
ARPA-12	Hybrid Capability for City Buildings – WCATV	Funding the two carts only.	\$82,328
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	Fund at minimum request.	\$2,500,000
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	Fully fund.	\$2,000,000
ARPA-16	Stormwater Tree Trenches - DPW	Scalable.	\$368,829
ARPA-17	Lead Gooseneck Removal - DPW	Scalable.	\$368,829
ARPA-18	Watertown Food Pantry - COA	Fund at minimum request.	\$152,000
ARPA-20	Watertown Farmers' Market Food Assistance Program - DCDP	Fully fund.	\$35,000
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	Fully fund.	\$60,000
ARPA-24	PV Array for Watertown High School - SBC	Fund at minimum request.	\$1,000,000
ARPA-25	Watertown Direct Assistance Program - Metro West Collaborative Development	Assistance of 212,500 plus direct costs of 21,250	\$233,750
ARPA-26	Expansion of Childcare Programming - Boys & Girls Club	Fund construction only.	\$1,563,861
ARPA-32	Study for City supported Local Transit - Multiple	Fund at minimum request through DCDP.	\$67,500
		TOTAL APPROPRIATION	\$10,742,413


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 4 for, 0 against and 0 present on December 12, 2023.


Brendan T. McCarthy, Council Clerk


Mark S. Sideris, Council President

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



Watertown City Council

Resolution # R-2023-_____

RESOLUTION ON APPROPRIATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

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

WHEREAS, the American Rescue Plan Act (ARPA) is a response by the federal government to address the COVID 19 pandemic by a direct allocation of \$350 billion to state, county and municipal governments; and

WHEREAS, the City of Watertown received \$10,742,413 in ARPA funds that must be encumbered by December 31, 2024, and fully spent by December 31, 2026; and

WHEREAS, the ARPA funds may be used for Public Health, Responding to Negative Economic Impacts, Services to Disproportionately Impacted Communities, Water, Sewer & Broadband Infrastructure, and Revenue Replacement; and

WHEREAS, the City Council voted on July 13, 2021 to task the Committee on Budget and Fiscal Oversight to develop recommendations for the spending of the ARPA funds in a manner that reflects the priorities of the City Council; and

WHEREAS, the Committee on Budget and Fiscal Oversight engaged in community outreach to hold informational forums and develop guidelines for requesting proposals from the public and city departments; and

WHEREAS, the Committee on Budget and Fiscal Oversight developed an open, collaborative, and transparent process to make funding recommendations that reflected our community's values as outlined in the Watertown Charter Preamble, and

WHEREAS, the Committee on Budget and Fiscal Oversight's recommended allocations total \$4,868,829 (45%) for Water & Sewer Infrastructure, \$4,437,255 (41%) for Social Services, and \$1,436,329 (13%) for Climate and Energy.

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ARPA-26	Expansion of Childcare Programming - Boys & Girls Club	Fund construction only.	\$1,563,861
ARPA-32	Study for City supported Local Transit - Multiple	Fund at minimum request through DCDP.	\$67,500
		TOTAL APPROPRIATION	\$10,742,413

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 December 12, 2023.

Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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>

Resolution to Authorize a Transfer of Funds in the Amount of \$79,000 from FY24 City Council Reserve to FY24 Fire Clothing Allowance Account



Watertown City Council

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

RESOLUTION# 86

2023 – R – 86

RESOLUTION APPROVING A TRANSFER OF FUNDS FROM FISCAL YEAR 2024 CITY COUNCIL RESERVE ACCOUNT TO FISCAL YEAR 2024 FIRE CLOTHING ALLOWANCE ACCOUNT

BE IT RESOLVED: That the City Council of Watertown hereby approves the transfer of funds in the amount of \$79,000 from the Fiscal Year 2024 City Council Reserve to the Fiscal Year 2024 Fire Clothing Allowance Account.

BE IT FURTHER RESOLVED: That a copy of said transfer is forwarded to the City Auditor and City Treasurer/Collector.


Council Member

I hereby certify that at a 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 December 12, 2023.


Brendan T. McCarthy, Council Clerk


Mark S. Sideris, Council President

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



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: December 7, 2023

RE: Agenda Item - Transfer of Funds Request
Watertown Firefighters, IAFF Local 1347

Attached please find a Transfer of Funds request from the Fiscal Year 2024 City Council Reserve to fund a one-time Fiscal Year 2024 Clothing Allowance for the Watertown Firefighters, IAFF Local 1347 Agreement covering July 1, 2022 – June 30, 2024.

I respectfully request the attached Transfer of Funds request be placed on the December 12, 2023, City Council Agenda.

Thank you for your consideration in this matter.

TRANSFER AMOUNT: \$ 79,000

FROM: FY 2024 CITY COUNCIL RESERVE \$ 79,000
0111152-570780

TO: FY 24 FIRE CLOTHING ALLOWANCE \$ 79,000
0122051-510190

I hereby certify to the availability, authority of funding source, mathematical accuracy
and appropriate fiscal year.

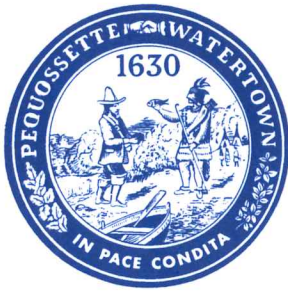
12/6/2023
DATE


CITY AUDITOR

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 exemptions in accordance with G.L. c. 268A, sec 20(b)



CITY OF WATERTOWN
Recreation Department

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6494
Fax: 617-926-6129
www.recreation.watertown-ma.gov
recreation@watertown-ma.gov

Peter Centola
Director of Recreation

To: Mr. Proakis, City Manager
From: Peter Centola, Director of Recreation
CC: Emily Monea, Deputy City Manager
CC: Noelle Gilligan, Interim City Clerk
CC: Colleen Doyle, Human Resource Director
Subject: Ethics Exemptions Request
Date: Thursday December 7, 2023

Please accept this information and request concerning our seasonal employees who also are employed the School Department of the City of Watertown.

I am requesting consideration and approval of exemptions of interests of existing City employees in contracts with the City including spring, summer, fall, 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:

Here are the Recreation Department positions and names of individuals filing disclosures.

Emp #	Last Name	First Name	Position Title
3098	Cafua	Edward	Pequossette Assistant Director
4792	Cambell	Jason	Wachusett Ski – Board Staff
1113	Cinar	Nursel	Pequossette Food Staff
3589	Furtado	Eric	Pequossette Senior Counselor
5382	McGoldrick	Emma	Pequossette Senior Counselor
3043	McGovern	Erin	Wachusett Ski – Board Staff
	Ollero	Emily	Wachusett Ski – Board Staff
	Pereira	Haiden	Wachusett Ski – Board Staff
1233	Smith	Judith	Wachusett Ski – Board Coordinator
1514	Spillane	Michael	Wachusett Ski – Board Staff

Regards,

Peter Centola
Director of Recreation

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 the Report from the Committee on Personnel and City Organization
 Report from 11/27/23

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 PCO 11/27/23 ACTION ITEM to recommend the City Council approve provisionally the change in hours of the DPW clerical staff until the start of summer hours.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

Report of the Committee on Personnel and City Organization Meeting Date: November 27, 2023

The Committee convened on Monday, November 27, at 5:30 in the 3rd Floor Conference Room.

Present were Councilors Caroline Bays, chair; Nicole Gardner, secretary; and John Gannon, vice chair. Staff present were City Manager DPW Superintendent Greg St. Louise, Sustainability Coordinator Anya Pforzheimer, and City Engineer Tyler Glode. No one else attended the meeting.

Councilor Bays called the meeting to order at 5:32 pm. The purpose of the meeting was to discuss a proposal from the DPW Superintendent to amend the Front Office Hours at the DPW building.

The proposal was to change the front office hours from 8:30am-5pm to 7am-3:30pm permanently, aligning the hours of two staff members with the majority of all laborers, supervisors, and non-clerical admin staff.

The Superintendent sees the following benefits.

First: improved service to the public and contractors working in Watertown:

1. Residents who work 9am-5pm will now be able to go to the DPW before work, and speak to the relevant supervisor and get their questions addressed in real time.
2. Residents who now come in the late afternoon have to wait until the next day to speak with a supervisor since the supervisors' day is over. The people will continue to have to wait until the next day for service. This change will not affect service levels for them.
3. Contractors typically start their day at 7am. This change will let them get their issues addressed first thing in the morning, getting them on to their jobs quickly and efficiently.
4. Note: the DPW has an answering service on call at all times, which escalates emergencies if need be and otherwise takes a message.

Second: better work/life balance for employees. The two affected staff members will have significantly shorter commutes by working earlier days, and have asked for this change. This should enable us to more effectively retain our valued staff, all things being equal.

If approved, the DPW will work with staff to alert residents and contractors to this change. This includes social media, and the tax letter if possible.

Councilor Gannon asked if the union supported this proposal. Mr. St. Louis said they endorsed the proposal.

Councilor Gardner suggested the change be made provisionally, with a check in before making it permanent. After some discussion, the Committee agreed that it would like to have a check in with the DPW at the start of summer hours to be sure the change is working well for the public, and the staff.

Attached are letters of support from the union and from the affected employees.

→ Action Item: Councilor Gardner made a motion, seconded by Councilor Gannon, that the BFO recommend the City Council approve provisionally the change in hours until the start of summer hours. At which time the DPW should report back to the PCO on whether the change is working as expected for residents, contractors, and staff. Based on that meeting, the PCO will make a final recommendation to the Council. The movement passed unanimously.

The committee adjourned at 5:45 PM by a unanimous vote.

Report prepared by Nicole Gardner

ELECTED OFFICIALS

Caroline Bays,
Chair

John G. Gannon,
Vice Chair

Nicole Gardner
Secretary

Cookson, Michael

From: Nancy Campbell <ncampbell@teamsterslocal25.com>
Sent: Wednesday, November 29, 2023 12:28 PM
To: Cookson, Michael
Cc: St. Louis, Gregory
Subject: RE: DPW Hours Change

Thank you, Michael for your email.

Please allow this email to be offered to the City Council's Committee showing the Union fully supports the Committees recommendation to change the hours of work for all DPW clerical workers to match the DPW operation hours. The Union and members affected have also made this request in the past to address the same concerns as the DPW Superintendent of Public Works, Gregory St. Louis, is addressing currently with the City Council Committee. We are in full support of this change and urge the City Council to approve.

Please let me know if you need anything additional on this matter, and if my attendance is needed at the December 12th meeting to verbalize this support.

Thank you,

Nancy L. Campbell
Field Representative
Teamsters Local 25
544 Main Street
Boston, MA 02129
Office: 617-241-3956
Fax: 617-242-4284



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From: Cookson, Michael <mcookson@watertown-ma.gov>
Sent: Wednesday, November 29, 2023 12:03 PM
To: Nancy Campbell <ncampbell@teamsterslocal25.com>
Cc: St. Louis, Gregory <gstlouis@watertown-ma.gov>
Subject: DPW Hours Change

Good Afternoon Nancy,

Watertown DPW met with the City Council's Committee on Personnel and City Organization on Monday night to advocate for changing DPW's front office hours to match the DPW's labor and management hours. The Committee

approved the request and the City Council as a whole will vote on the change on December 12. However, the Committee wants a formal statement of support from the union. In August, you expressed support for this change and offered to submit a formal letter of support.

Would you be willing to provide us with a letter of support that we can send to the Council before the December 12 meeting? We appreciate your time and please feel free to reach out if you have questions or concerns.

Sincerely,
Michael Cookson

Michael Cookson, J.D. (He/Him)
Assistant Director of Administration and Finance
Watertown Department of Public Works
(617) 972-6420 ext. 13110
(857) 303-6240

When writing or responding, please remember that any email sent or received by an employee of the City of Watertown is subject to the Massachusetts Public Records Law (M.G.L. c. 66).

To: The Watertown City Council
From: Colleen Guttkuhn & Julie Casello
Date: November 28, 2023
Re: DPW Clerks Support Front Office Hour Change

Dear Honorable City Council,

As the Watertown Department of Public Works' clerical staff, we are writing in support of the motion to amend DPW's front office hours. We have made numerous requests to align our hours with those worked by the rest of DPW's staff and are hopeful that you will approve the change.

DPW's front office is open from 8:30 a.m. until 5:00 p.m. DPW's labor staff, labor supervisors, and management all work from 7:00 a.m. until 3:30 p.m. Most contractors that work in Watertown and need DPW's oversight work these earlier hours, too. This means the community's needs are greatest early in the day and the DPW supervisors and management that residents come into the front office to speak with are most readily available in the morning. As a result, from 3:30 to 5:00, the few people that drop into DPW usually just leave a message.

Keeping the front office open from 3:30 to 5:00 doubles our commutes. Julie's commute takes 45 minutes when she arrives early at 6:30 and an hour and a half when she leaves at 5:00. Colleen's commute takes 30 minutes early in the morning and an hour at 5:00. If DPW's front office closed earlier, we would beat rush hour traffic and avoid this doubling of the time we spend in traffic. This would alleviate so much frustration and improve our quality of life dramatically.

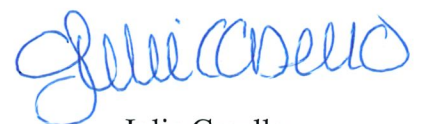
This year has brought many staffing issues and we have filled in as needed to keep DPW's front office running and serving the community. But, after a year, our work-life balances are suffering and we feel burnt out. We believe that amending the front office's hours will improve our lives and will help us better serve the community.

We truly appreciate the Council's consideration of this matter and hope the Council approves this motion.

Sincerely,



Colleen Guttkuhn



Julie Casello

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 the Report from the Committee of the Budget and Fiscal Oversight from its meetings on 11/13/23, 11/21/23, 12/4/23



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

Committee of the Budget and Fiscal Oversight Report of the Meetings of November 13 & 21, 2023

The Committee convened on Monday November 13, 2023 at 6:00 pm in the Louis P. Andrews Upper Conference Room, as a hybrid meeting, with remote participation by zoom. Present in person were Vincent Piccirilli, Chair; Emily Izzo, Vice Chair and Nicole Gardner, Secretary. Also present in person were Council President Mark Sideris, Councilors Bays and John Gannon, Auditor Megan Langan, Council Analyst Doug Newton, DPW Superintendent Gregory St. Louis, Library Director Kim Hewitt, and various residents. Attending by zoom were Councilors John Airasian, Lisa Feltner, and Anthony Palomba, and various residents.

The purpose of the meeting was a discussion on process for the Committee to review the American Rescue Plan Act (ARPA) Proposals, and develop a set of funding recommendations for the City Council which would total approximately \$10.7 million.

The meeting was called to order at 6:03 pm, and Councilor Piccirilli started the meeting by reminding all of the process used so far to evaluate proposals:

- Clifton/Larson/Allen (CLA) provided expert advice on which proposals met the ARPA requirements. Proposed projects that did not meet the requirements were not considered for funding. Several were eliminated from consideration. See Attachment A.
- The Committee of the Whole met on Wednesday, November 8th and Thursday, November 9th with the applicants whose proposals were qualified. During these meetings, the Councilors listened to brief presentations on the projects, and asked questions. The public was invited to these meetings, and they were broadcast on WCATV. See Attachment B for the schedule of presenters.
- Instructions and a spreadsheet were sent to the Councilors on Friday, November 10th to have them give a preliminary rank to the proposals. See Attachment C. Responses were due Monday, November 12th at 3pm to Council Analyst Doug Newton.
- Mr. Newton averaged the preliminary ratings into a single score for each project, and sent a spreadsheet with the average rating back to Councilors prior to this meeting. It will be the starting point for the Committee's deliberations. See Attachment D.
- Given the 6+ hours of public meetings, and the comments and input received from residents, the Chair stated that there would be no public comments during this meeting.

Councilor Piccirilli next explained that, based on comments from the City Auditor, there is complexity and risk created if contingencies are funded using ARPA monies. After discussion, the Committee unanimously agreed that recommendations would not include funding for contingencies.

Over the course of the meeting, the question of whether to fund 15% overhead fees with ARPA funds arose. The Committee discussed this, and acknowledged that for many non-profits, this is part of their

normal operating model, and the City would expect to cover it. However, this is a once in a lifetime opportunity for the City to fund important initiatives. The value created within our community by using that 15% for other direct services or investment is extremely high. The Committee feels the Council should try to create as much value as possible for Watertown with this one-time opportunity. Therefore, the Committee agreed that it would recommend not funding general overhead fees using ARPA monies.

In developing the first draft funding recommendation (Attachment E), in addition to the contingency fee and administrative fee noted above, the following ideas were used to stretch available funds:

1. Use the minimum funding amount in each application, which was confirmed by applicants during the interviews.
2. For applications with two separate projects in the same application, fund only one project.
3. Aggregated scores were used for guidance by the Committee:
 - a. Applications with a score less than 1 were recommended to not fund.
 - b. Highest ranked applications had highest priority for funding.
 - c. Lowest ranked applications had lowest priority for funding.
4. For remaining projects:
 - a. Fund one major Water project and one Sewer project for rate relief.
 - b. Fund all qualified Social Service projects.
 - c. Made up the difference with lead pipe removal and stormwater tree trenches (these are unit price projects and are scalable).

Next steps:

- a) Have CLA review the classification to ensure it is all correct.
- b) Communicate the draft award recommendations with applicants and ask them to confirm their interest if the award is less than the maximum requested.
- c) Determine if we should use ARPA funds to cover the CLA fees, estimated at \$21,000.
- d) Meet to review and finalize the Committee Draft Recommendations. As part of this, review how the draft allocations look across major category of spending, i.e. water & sewer, climate, social services, etc.
- e) Meet on December 4th at 6pm to present the Committee's Draft Recommendations to the community to hear their (and Councilor) feedback. At the end of that meeting, finalize the Committee recommendations for the City Council, to be discussed and voted on during the December 12, 2023 Council meeting.

The meeting adjourned at 8:44pm.

The Committee re-convened on Tuesday, November 21, 2023 at 5:00 pm in the Louis P. Andrews Upper Conference Room, as a hybrid meeting, with remote participation by zoom. Present in person were Vincent Piccirilli, Chair; Emily Izzo, Vice Chair and Nicole Gardner, Secretary. Also present in person were Council President Mark Sideris, Auditor Megan Langan, Council Analyst Doug Newton, Assistant City Manager Steven Magoon, and various residents. Attending by zoom were Councilor John Airasian, DPW Director of Administration and Finance Michael Albano, and various residents.

The purpose of the meeting was for the Committee to finalize its draft funding recommendations for the City's \$10.7 million in ARPA funds, to present to the public for feedback, prior to City Council review.

The meeting was called to order at 5:08pm. Auditor Langan confirmed that all dollar amounts were within the category limits, per CLA review.

Councilor Piccirilli explained that he had emailed all applicants whose requests the Committee is planning to recommend funding at a level lower than the full request, to get their response to the lower funding levels. Four applicants confirmed that they would accept the smaller allocation, and move forward with the projects. They are: Watertown Housing Authority, Boys & Girls Club, Watertown Cares, and WCATV.

Metro West Collaborative said they could not provide services without some amount of money used to cover their expenses. To make it clear why, they provided a list of tasks that would need to be performed for their project to be executed. They asked if the Council could fund them overhead fees equal to 10% of the allocation, rather than their original request for 15%.

In the ensuing discussion, the following points were made:

- There is strong support for this project, given it serves residents of Watertown who are in the greatest need.
- If Metro West doesn't execute the project, there is no other way to get it done. The City can't do the work, and in fact, hired Metro West to run a similar type of program during the pandemic. The City paid the 15% fee for that project.
- Other applicants broke out their costs in detail, showing things like the compensation costs of the staff doing the work, or the costs of materials. This transparency -- compared to a percent overhead fee -- makes it easier to fund the work and know all the money allocated will either enable the program to be offered, or will go to residents
- The Committee agreed that it would like to have Metro West's detailed cost estimates of executing the program, before making a final recommendation on funding this proposal.

Councilor Gardner made a motion that that Councilor Piccirilli ask Metro West to provide a bottoms-up and itemized estimate of the costs of executing the program, which was seconded by Councilor Izzo. Voted unanimously 3-0.

The Committee next discussed whether to use the City's funds to cover the ARPA-related fees from CLA. Committee members felt the ARPA funds should be used to maximize the public benefits.

Councilor Gardner made a motion that CLA fees not be paid out of the ARPA funds, which was seconded by Councilor Izzo. Voted unanimously 3-0.

Councilor Gardner made a motion that the BFO use the current numbers as a placeholder for its December 4th meeting. This motion was seconded by Councilor Izzo. Voted unanimously 3-0.

Councilor Piccirilli next shared a graphic representation of the proposed allocations, broken into 3 categories: Water & Sewer Infrastructure, Climate & Energy, and Social Services (Attachment H).

The Committee agreed that this breakout was a useful way to show the public the proposed allocations across key priority areas for the City, before diving into recommendations by proposal.

Councilor Gardner made a motion, seconded by Councilor Izzo, that this allocation graphic be used to illustrate the proposed ARPA allocations at a high level, during the Committee's public hearing on December 4th. Voted unanimously 3-0.

In the closing discussion that ensued, there was general consensus that slides be crafted to show the public:

- The process used by the BFO Committee.
- Pie chart of the allocation across the 3 categories.
- 3 slides, one on each of the categories, detailing the proposals recommended for funding.
- A slide showing the 4 proposals that are not recommended for funding, including the rationale.

The meeting adjourned at 5:46pm.

Prepared by Nicole Gardner

Attachments:

- A. CLA review of project applications
- B. Schedule of presenters
- C. Ranging Instructions sent to the Councilors
- D. Spreadsheet with the aggregate average ratings
- E. First draft funding recommendation November 13
- F. Projects to be funded November 21
- G. Projects not funded November 21
- H. ARPA funding by category

#	Proposed Project Name	Submitted By	Proposal Type	Department/Organization	Recommended Project Manager	ARPA Funds Requested	Minimum Funds Needed	ARPA Eligible per CLA	Comments
1	Additional Private Workspace - Library	Caitlin Browne	City Department	Watertown Free Public Library	Caitlin Browne	25,000.00	18,000.00	Yes	Revenue Replacement Project
2	Bigelow Ave Water Main Replacement Program	Gregory St. Louis	City Department	DPW	Gregory St. Louis	3,000,000.00	2,500,000.00	Yes	Water/Sewer Revenue Replacement Project
3	College Applications Coach	Weiyan Cai	Individual	N/A	N/A	60,000.00	20,000.00	Possibly	Unable to spread funds throughout 3 years, funds would have to be committed to particular students by 12/31/24. Only eligible for revenue replacement if taken on by a City Department
4	Cottage Street Water Main Resident Engineering & Construction Services	Gregory St. Louis	City Department	DPW	Gregory St. Louis	2,000,000.00	2,000,000.00	Yes	Water/Sewer Revenue Replacement Project
5	Cultural District Matching Funds	Elizabeth Helfer	City Department	CDP	Elizabeth Helfer	30,000.00	10,000.00	Yes	Revenue Replacement Project
6	Marshall Place: Elevator Modernization for Affordable Senior Housing	Marcia Hannon	Organization	Marshall Place Apartments/Cascap Inc	Cascap, Inc.	91,788.00	84,428.00	Yes	Negative Economic Impacts Aids to Non-Profits
7	New Foundations: Expansion of Childcare Programming - Space, Safety & Security, & Staffing	Gary Beatty	Organization		Watertown Boys & Girls Club	1,815,000.00	1,815,000.00	Yes	Negative Economic Impacts Aids to Non-Profits
8	Food Security Center Building Renovation	Calista Diehl	Organization	Belmont- Watertown United Methodist Church (BWUMC)	BWUMC Board of Trustees	250,000.00	250,000.00	Yes	Negative Economic Impacts Aids to Non-Profits
9	Grant Development Manager	Emily Monea	City Department	Finance	Chief Financial Officer	344,945.00	148,593.00	Yes	Revenue Replacement Project Must be cognizant of funding for position after end of ARPA monies
10	Hybrid Capability for City Buildings	Andrea Santopietro	Organization	Watertown Cable Access Corp	Andrea Santopietro, Executive Director	169,995.00	169,995.00	No	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit.
11	Integration of the growing Chinese American Community in Watertown	Qibin Ye	Organization	Chinese American Association of Watertown	Qibin Ye	13,000.00	10,000.00	No	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit.
12	Community Interpreter Services	Jacky van Leeuwen	Individual	N/A	Community Interpreter Services	10,000.00	10,000.00	Possibly	Revenue Replacement if run by the City
13	Lead Gooseneck Removal	Gregory St. Louis	City Department	DPW	Gregory St. Louis	600,000.00	100,000.00	Yes	Water/Sewer Revenue Replacement Project
14	McSherry Gardens Improvements	Michael Lara	Organization	Watertown Housing Authority	Watertown Housing Authority - Michael Lara	1,769,308.10	1,645,868.00	Yes	Affordable Housing Negative Economic Impacts Aids to Non-Profits
15	Mosesian Arts Mainstage Accessibility Improvements	Jeannette Belcher-Schepis	Organization	The Dorothy & Charles Mosesian Center for the Arts	Darren Farrington	200,000.00	175,000.00	No	Ineligible for revenue replacement since it is not run by the City. Ineligible for Negative economic impact aid to non-profit as it does not appear to be needed as a result of the pandemic.
16	Public Art in Commercial Centers	Elizabeth Helfer	City Department	CDP	Elizabeth Helfer	60,000.00	12,000.00	Yes	Revenue Replacement project
17	PV Array for Waterton High School	George Proakis	City Department	School Building Committee	Christy Murphy, WHS Project OPM	4,462,000.00	1,000,000.00	Yes	Revenue Replacement Project Solar panels must be installed by end of 2026 to qualify
18	Quimby Affordable Condos Preservation	Caitlin Madden	Organization	Metro West Collaborative Development	Metro West Collaborative Development	334,203.00	334,203.00	Yes	Affordable Housing Eligible
19	Request for Ballot Address System	Janet Murphy	City Department	City Clerk/Elections	Janet Murphy	26,335.67	26,335.67	Yes	Revenue Replacement Project (since purchase was after March 3, 2021 the City can reimburse ourselves for the cost)
20	Request for Funds for the Folino Family on Behalf of Lisa J. Folino	John Sorabella	Individual	N/A	Folino Family	100,000.00	100,000.00	No	Aid to non-profits has to be proportionate response which this does not appear to be eligible as it is only benefiting an individual
21	Sewer Phase 4 Rehabilitation	Gregory St. Louis	City Department	DPW	Gregory St. Louis	2,800,000.00	2,500,000.00	Yes	Water/Sewer Revenue Replacement Project
22	Watertown Social Services Resource Specialist Program Expansion	Laura Kyrman	Organization	Wayside Youth & Family Support Network Multi-Service Center	Wayside Youth & Family Center Watertown Health Department	317,578.00	158,789.00	Yes	Aid to non-profit Supporting Public Health Revenue Replacement
23	Staffing for Basic Life Support Ambulance	Chief Ryan Nicholson	City Department	Fire Department	Chief Ryan Nicholson	3,569,052.00	3,569,052.00	Yes	Supporting Public Health Revenue Replacement (Must be cognizant of funding for position after end of ARPA monies)
24	Stormwater Tree Trenches	Gregory St. Louis	City Department	DPW	Gregory St. Louis	1,000,000.00	500,000.00	Yes	Water/Sewer Revenue Replacement Project
25	Study for City Supported Local Transit	Deborah Peterson	Organization	Watertown Faces Climate Change Watertown for All Ages Watertown Environment & Energy Efficiency Committee	Department of Community Development & Planning	75,000.00	67,500.00	Possibly	Eligible if run by CDP as Revenue Replacement Project'
26	Support for Early Childhood Education	Monica Fall	Individual	N/A	N/A	N/A	N/A	Yes	Negative Economic Impacts Aids to Non-Profits CLA leery due to lack of information provided to proceed on this project
27	Sustaining Watertown Community Fridge	Steven Duede	Organization	Watertown Community Fridge	Belmont-Watertown United Methodist Church (501-c3 Sponsor)	60,000.00	30,000.00	Yes	Negative Economic Impacts, aid to non-profits Housing assistance for food security
28	Watertown Cares	Daniel Unsworth	Organization	Right Turn in Conjunction with the Watertown Cares Network	Woody Giessmann & Cynthia Wachs in conjunction with the Watertown Cares Network	297,332.50	297,332.50	Yes	Aid to non-profit Supporting Public Health
29	Watertown Direct Assistance Program	Alisa Gardner-Todreas	Organization	Metro West Collaborative Development	Alisa Gardner-Todreas, Dir. Of Housing Policy & Programs	250,000.00	250,000.00	Yes	Negative Economic Impact - cash assistance
30	Watertown Farmer's Market Food Assistance Program	Stephanie Venizelos	City Department	CDP	Stephanie Venizelos	35,000.00	20,000.00	Yes	Negative Economic Impact - food assistance Revenue Replacement
31	Watertown Food Pantry	Lydia McCoy	City Department	COA	Lydia McCoy	200,000.00	152,000.00	Yes	Negative Economic Impact - food assistance Revenue Replacement
32	Watertown Pesticide Free Zones Signs	Debra Smith	Individual	N/A	Board of Health	15,000.00	12,000.00	Possibly	Revenue Replacement if City were to take on the project through the BOH

Application Number	Application Name	Interview Date	Interview Time
ARPA-32	Study for City supported Local Transit - Multiple	November 8	5:30
ARPA-03	Cultural District Matching Funds - DCDP	November 8	5:45
ARPA-04	Public Art in Commercial Centers - DCDP	November 8	6:00
ARPA-05	Support for Early Childhood Education - Individual (did not show up)	November 8	6:15
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	November 8	6:30
ARPA-08	Staffing for Basic Life Support Ambulance - Fire Department	November 8	6:45
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	November 8	7:00
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	November 8	7:15
ARPA-11	McSherry Gardens Improvements - WHA	November 8	7:30
ARPA-13	Bigelow Ave Water Main Replacement Program - DPW	November 8	7:45
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	November 8	8:00
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	November 8	8:15
ARPA-16	Stormwater Tree Trenches - DPW	November 8	8:30
ARPA-17	Lead Gooseneck Removal - DPW	November 8	8:45
ARPA-02	Additional Private Workspace - Library	November 9	5:30
ARPA-18	Watertown Food Pantry - COA	November 9	5:45
ARPA-19	Grant Development Manager - Finance Department	November 9	6:00
ARPA-20	Watertown Farmers' Market Food Assistance Program - CDP	November 9	6:15
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	November 9	6:30
ARPA-22	Watertown Pesticide Free Zones Signs - Individual	November 9	6:45
ARPA-24	PV Array for Watertown High School - SBC	November 9	7:00
ARPA-25	Watertown Direct Assistance Program - Metro West	November 9	7:15
ARPA-26	Expansion of Childcare Programming - BGC	November 9	7:30
ARPA-27	College Applications Coach - Individual	November 9	7:45
ARPA-28	Food Security Center Building Renovation - BWUMC	November 9	8:00
ARPA-29	Interpretation Services - Individual	November 9	8:15
ARPA-23	Quimby Affordable Condos Preservation - Metro West	November 9	8:30
ARPA-06	Integration of the growing Chinese American community in Watertown – CAAW	November 9	8:45
ARPA-12	Hybrid Capability for City Buildings – WCATV	November 9	9:00

Ranking of ARPA Applications by Councilors due 3:00 pm November 13

Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Fri 11/10/2023 10:59 AM

To: City Councilors <citycouncilors@watertown-ma.gov>; Newton, Doug <dnewton@watertown-ma.gov>

Cc: Proakis, George <gproakis@watertown-ma.gov>; Langan, Megan <mlangan@watertown-ma.gov>

Bcc: Piccirilli, Vincent <vincent.piccirilli@gmail.com>

 1 attachments (15 KB)

23-11-10 ARPA Application List for Ranking.xlsx;

Councilors, as discussed last night:

Instructions for filling out the ARPA ranking sheets:

1. Each Council member will fill out their personal rankings on the attached spreadsheet.
2. Email your completed spreadsheet to Doug Newton no later than 3:00 pm on Monday November 13. Please be considerate of Doug's time, and if you can send it sooner, please do. **DO NOT REPLY TO ALL**
3. Doug will have a master spreadsheet and will copy your rankings and paste them into the master. The master spreadsheet will calculate the aggregate totals.
4. Only put in your ranking numbers into your spreadsheet. Do not make any other changes to the spreadsheet such as adding or reordering columns or your input will be put in incorrect places on the master spreadsheet.
5. The BFO Committee will use the master spreadsheet to get a sense of the Council on how to develop recommendations at the meeting at 6:30 pm on Monday November 13.
6. Please note these aggregate rankings are not final, just guidance, and there will be give-and-take as we juggle the numbers to come up with a final recommendation.

There are five numbers that you will use for your personal rankings:

- 4 = High priority for ARPA grant funding
- 3 = Medium High priority for ARPA grant funding
- 2 = Medium Low priority for ARPA grant funding
- 1 = Low priority for ARPA grant funding
- 0 = Do not fund with ARPA grant

We had previously discussed a 1 to 4 ranking system, but after the interviews, there may be some applications that may be considered problematic to fund, in which case you can rank with 0.

Finally, the following applications are not included in the spreadsheet, for reasons previously identified:

- ARPA-01 Request for Ballot Address System - City Clerk
- ARPA-28 Food Security Center Building Renovation – BWUMC
- ARPA-30 Mosesian Arts Mainstage Accessibility Improvements – MCA
- ARPA-31 Request for Funds for the Folino Family – Individual

Thanks all!

Vinnie

This email & attachment is being sent for informational purposes only. Please do not respond to all in order to avoid any concern with the Open Meeting Law.

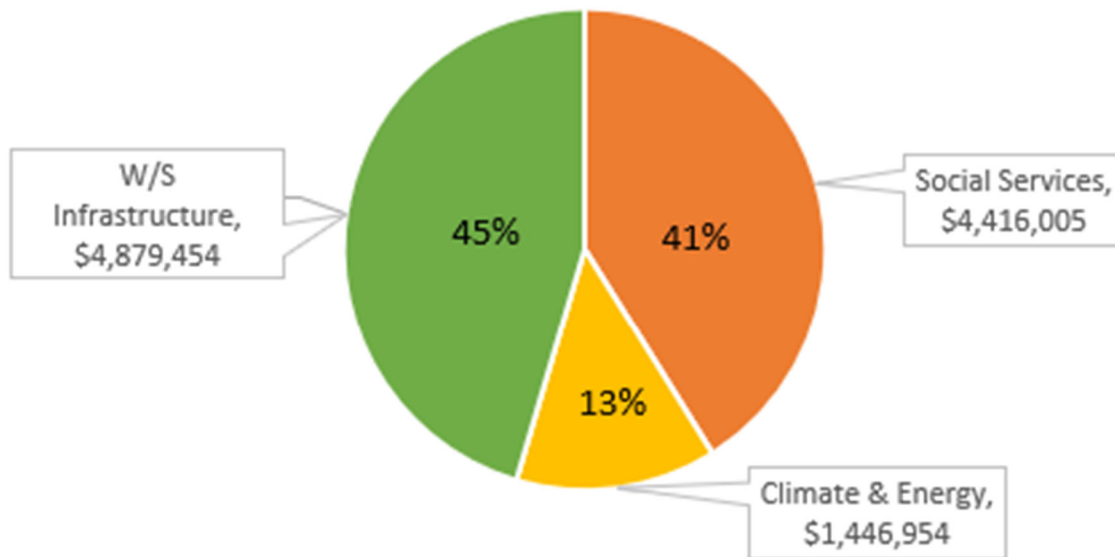
Number	Proposed Project Name	Average Rank	ARPA Funds Requested	CLA Comments
ARPA-02	Additional Private Workspace - Library	1.8	25,000	Revenue Replacement Project
ARPA-03	Cultural District Matching Funds - DCDP	1.8	30,000	Revenue Replacement Project
ARPA-04	Public Art in Commercial Centers - DCDP	1.4	60,000	Revenue Replacement project
ARPA-05	Support for Early Childhood Education - Individual	0.2	N/A	Negative Economic Impacts Aids to Non-Profits CLA leery due to lack of information provided to proceed on this project
ARPA-06	Integration of the growing Chinese American community in Watertown – CAAW	1.0	13,000	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	3.2	317,578	Aid to non-profit Supporting Public Health Revenue Replacement
ARPA-08	Staffing for Basic Life Support Ambulance - Fire Department	0.9	3,569,052	Supporting Public Health Revenue Replacement (Must be cognizant of funding for position after end of ARPA monies)
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	2.4	91,788	Negative Economic Impacts Aids to Non-Profits
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	2.9	297,333	Aid to non-profit Supporting Public Health
ARPA-11	McSherry Gardens Improvements - WHA	3.2	1,769,308	Affordable Housing Negative Economic Impacts Aids to Non-Profits
ARPA-12	Hybrid Capability for City Buildings – WCATV	2.6	169,995	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)
ARPA-13	Bigelow Ave Water Main Replacement Program - DPW	2.7	3,000,000	Water/Sewer Revenue Replacement Project
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	3.6	2,800,000	Water/Sewer Revenue Replacement Project
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	3.4	2,000,000	Water/Sewer Revenue Replacement Project
ARPA-16	Stormwater Tree Trenches - DPW	2.8	1,000,000	Water/Sewer Revenue Replacement Project
ARPA-17	Lead Gooseneck Removal - DPW	3.6	600,000	Water/Sewer Revenue Replacement Project
ARPA-18	Watertown Food Pantry - COA	3.7	200,000	Negative Economic Impact - food assistance Revenue Replacement
ARPA-19	Grant Development Manager - Finance Department	1.7	344,945	Revenue Replacement Project Must be cognizant of funding for position after end of ARPA monies
ARPA-20	Watertown Farmers' Market Food Assistance Program - CDP	3.4	35,000	Negative Economic Impact - food assistance Revenue Replacement
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	3.0	60,000	Negative Economic Impacts, aid to non-profits Housing assistance for food security
ARPA-22	Watertown Pesticide Free Zones Signs - Individual	0.7	15,000	Revenue Replacement if City were to take on the project through the BOH. (Confirmed would be run by Health Department)
ARPA-23	Quimby Affordable Condos Preservation - Metro West	1.0	334,203	Affordable Housing Eligible
ARPA-24	PV Array for Watertown High School - SBC	3.2	4,462,000	Revenue Replacement Project Solar panels must be installed by end of 2026 to qualify
ARPA-25	Watertown Direct Assistance Program - Metro West	2.4	250,000	Negative Economic Impact - cash assistance
ARPA-26	Expansion of Childcare Programming - BGC	2.8	1,815,000	Negative Economic Impacts Aids to Non-Profits
ARPA-27	College Applications Coach - Individual	0.2	60,000	Unable to spread funds throughout 3 years, funds would have to be committed to particular students by 12/31/24. Only eligible for revenue replacement if taken on by a City Department. (No confirmation received from the School Department)
ARPA-29	Interpretation Services - Individual	2.6	10,000	Revenue Replacement if run by the City (Confirmed would be run by Community Engagement Department)
ARPA-32	Study for City supported Local Transit - Multiple	2.8	75,000	Eligible if run by CDP as Revenue Replacement Project. (Confirmed would be run by DCDP)
TOTAL REQUESTED			23,404,202	
Total funds available			10,742,413	
Difference			12,661,789	

Number	Proposed Project Name	Average Rank	ARPA Funds Requested	CLA Comments	Recommended Funding	Explanation
ARPA-18	Watertown Food Pantry - COA	3.7	200,000	Negative Economic Impact - food assistance Revenue Replacement	152,000	Without contingency
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	3.6	2,800,000	Water/Sewer Revenue Replacement Project	2,500,000	1 sewer project
ARPA-17	Lead Gooseneck Removal - DPW	3.6	600,000	Water/Sewer Revenue Replacement Project	380,000	
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	3.4	2,000,000	Water/Sewer Revenue Replacement Project	2,000,000	1 water project
ARPA-20	Watertown Farmers' Market Food Assistance Program - CDP	3.4	35,000	Negative Economic Impact - food assistance Revenue Replacement	35,000	Staff could get additional people on SNAP, reasonable ask
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	3.2	317,578	Aid to non-profit Supporting Public Health Revenue Replacement	317,578	Could subtract overhead if needed
ARPA-11	McSherry Gardens Improvements - WHA	3.2	1,769,308	Affordable Housing Negative Economic Impacts Aids to Non-Profits	1,621,760	
ARPA-24	PV Array for Watertown High School - SBC	3.2	4,462,000	Revenue Replacement Project Solar panels must be installed by end of 2026 to qualify	1,000,000	Potential addition if extra remains
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	3.0	60,000	Negative Economic Impacts, aid to non-profits Housing assistance for food security	60,000	100% goes to food for those in need
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	2.9	297,333	Aid to non-profit Supporting Public Health	258,550	Minus administrative fee
ARPA-16	Stormwater Tree Trenches - DPW	2.8	1,000,000	Water/Sewer Revenue Replacement Project	380,000	
ARPA-26	Expansion of Childcare Programming - BGC	2.8	1,815,000	Negative Economic Impacts Aids to Non-Profits	1,563,861	Construction only
ARPA-32	Study for City supported Local Transit - Multiple	2.8	75,000	Eligible if run by CDP as Revenue Replacement Project. (Confirmed would be run by DCDP)	67,500	Can review once done with all
ARPA-13	Bigelow Ave Water Main Replacement Program - DPW	2.7	3,000,000	Water/Sewer Revenue Replacement Project	0	Already funded 1 water and 1 sewer
ARPA-12	Hybrid Capability for City Buildings – WCATV	2.6	169,995	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)	82,328	Funding the two carts
ARPA-29	Interpretation Services - Individual	2.6	10,000	Revenue Replacement if run by the City (Confirmed would be run by Community Engagement Department)	0	Manager should build this into Community Engagement Department
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	2.4	91,788	Negative Economic Impacts Aids to Non-Profits	84,428	Minus contingency
ARPA-25	Watertown Direct Assistance Program - Metro West	2.4	250,000	Negative Economic Impact - cash assistance	212,500	Minus administrative fee
ARPA-02	Additional Private Workspace - Library	1.8	25,000	Revenue Replacement Project	18,000	
ARPA-03	Cultural District Matching Funds - DCDP	1.8	30,000	Revenue Replacement Project	10,000	
ARPA-19	Grant Development Manager - Finance Department	1.7	344,945	Revenue Replacement Project Must be cognizant of funding for position after end of ARPA monies	0	Should be funded from operating budget & perhaps not as a pilot
ARPA-04	Public Art in Commercial Centers - DCDP	1.4	60,000	Revenue Replacement project	0	
ARPA-06	Integration of the growing Chinese American community in Watertown – CAAW	1.0	13,000	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)	0	No non-profit in existence
ARPA-23	Quimby Affordable Condos Preservation - Metro West	1.0	334,203	Affordable Housing Eligible	0	Lack of planning
ARPA-08	Staffing for Basic Life Support Ambulance - Fire Department	0.9	3,569,052	Supporting Public Health Revenue Replacement (Must be cognizant of funding for position after end of ARPA monies)	0	Low ranking
ARPA-22	Watertown Pesticide Free Zones Signs - Individual	0.7	15,000	Revenue Replacement if City were to take on the project through the BOH. (Confirmed would be run by Health Department)	0	Low ranking
ARPA-05	Support for Early Childhood Education - Individual	0.2	N/A	Negative Economic Impacts Aids to Non-Profits CLA leery due to lack of information provided to proceed on this project	0	Low ranking
ARPA-27	College Applications Coach - Individual	0.2	60,000	Unable to spread funds throughout 3 years, funds would have to be committed to particular students by 12/31/24. Only eligible for revenue replacement if taken on by a City Department. (No confirmation received from the School Department)	0	Low ranking
TOTAL REQUESTED			23,404,202		10,743,505	
Total funds available			10,742,413		10,742,413	
Difference			12,661,789		-1,092	

Number	Proposed Project Name	Council Average Rank	ARPA Funds Requested	Minimum Requested	CLA Comments	BFO Committee Recommended Funding	BFO Committee Explanation	Category
ARPA-18	Watertown Food Pantry - COA	3.7	200,000	152,000	Negative Economic Impact - food assistance Revenue Replacement	152,000	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Social Services
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	3.6	2,800,000	2,500,000	Water/Sewer Revenue Replacement Project	2,500,000	Fund at minimum request help sewer rates. Per applicant, project can be completed at this level of funding.	W/S Infrastructure
ARPA-17	Lead Gooseneck Removal - DPW	3.6	600,000	300,000	Water/Sewer Revenue Replacement Project	379,454	Scaleable. Use to absorb remaining funds.	W/S Infrastructure
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	3.4	2,000,000	2,000,000	Water/Sewer Revenue Replacement Project	2,000,000	Fully fund 1 water project to help water rates.	W/S Infrastructure
ARPA-20	Watertown Farmers' Market Food Assistance Program - CDP	3.4	35,000	20,000	Negative Economic Impact - food assistance Revenue Replacement	35,000	Fully fund, staff could get additional people on SNAP.	Social Services
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	3.2	317,578	158,789	Aid to non-profit Supporting Public Health Revenue Replacement	317,578	Fully fund, could subtract overhead if needed.	Social Services
ARPA-11	McSherry Gardens Improvements - WHA	3.2	1,769,308	1,645,868	Affordable Housing Negative Economic Impacts Aids to Non-Profits	1,621,760	Minus contingency 24,108. Confirmed by applicant.	Social Services
ARPA-24	PV Array for Watertown High School - SBC	3.2	4,462,000	1,000,000	Revenue Replacement Project Solar panels must be installed by end of 2026 to qualify	1,000,000	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Climate & Energy
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	3.0	60,000	30,000	Negative Economic Impacts, aid to non-profits Housing assistance for food security	60,000	Fully fund, 100% goes to food for those in need	Social Services
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	2.9	297,332	297,332	Aid to non-profit Supporting Public Health	258,550	Minus administrative fee 38,782. Confirmed by applicant.	Social Services
ARPA-16	Stormwater Tree Trenches - DPW	2.8	1,000,000	500,000	Water/Sewer Revenue Replacement Project	379,454	Scaleable. Use to absorb remaining funds.	Climate & Energy
ARPA-26	Expansion of Childcare Programming - BGC	2.8	1,815,000	1,815,000	Negative Economic Impacts Aids to Non-Profits	1,563,861	Fund construction only, do not fund salaries at 251,128. Confirmed by applicant.	Social Services
ARPA-32	Study for City supported Local Transit - Multiple	2.8	75,000	67,500	Eligible if run by CDP as Revenue Replacement Project. (Confirmed would be run by DCDP)	67,500	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Climate & Energy
ARPA-12	Hybrid Capability for City Buildings – WCATV	2.6	169,995	169,995	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)	82,328	Funding the two carts, do not fund upgrades to existing systems. Confirmed by applicant.	Social Services
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	2.4	91,788	84,428	Negative Economic Impacts Aids to Non-Profits	84,428	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Social Services
ARPA-25	Watertown Direct Assistance Program - Metro West	2.4	250,000	250,000	Negative Economic Impact - cash assistance	212,500	Minus administrative fee (to be confirmed by applicant)	Social Services
ARPA-02	Additional Private Workspace - Library	1.8	25,000	18,000	Revenue Replacement Project	18,000	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Social Services
ARPA-03	Cultural District Matching Funds - DCDP	1.8	30,000	10,000	Revenue Replacement Project	10,000	Fund at minimum request. Per applicant, project can be completed at this level of funding.	Social Services
TOTAL REQUESTED			15,998,001	11,018,912		10,742,413		
Total funds available			10,742,413	10,742,413		10,742,413		
Difference			5,255,588	276,499		0		

Number	Proposed Project Name	Council Average Rank	ARPA Funds Requested	Minimum Requested	CLA Comments	BFO Committee Recommended Funding	BFO Committee Explanation
ARPA-13	Bigelow Ave Water Main Replacement Program - DPW	2.7	3,000,000	2,500,000	Water/Sewer Revenue Replacement Project	0	Already funded 1 water project.
ARPA-29	Interpretation Services - Individual	2.6	10,000	10,000	Revenue Replacement if run by the City (Confirmed would be run by Community Engagement Department)	0	Manager should build this into Community Engagement Department
ARPA-19	Grant Development Manager - Finance Department	1.7	344,945	148,593	Revenue Replacement Project Must be cognizant of funding for position after end of ARPA monies	0	Should be funded from operating budget & perhaps not as a pilot.
ARPA-04	Public Art in Commercial Centers - DCDP	1.4	60,000	12,000	Revenue Replacement project	0	FY25 Budget Policy Guidelines has additional funds for art.
ARPA-06	Integration of the growing Chinese American community in Watertown – CAAW	1.0	13,000	13,000	For a non-profit to be eligible they must be able to provide how the pandemic impacted them to the point where they need these funds and to be able to show the costs are a reasonable response to the negative economic impact. Project does not appear to be in response to the pandemic which would make it ineligible for ARPA funding for the non-profit. (After further analysis, CLA determind the non-profit is eligible)	0	No non-profit exists as this time to receive funds.
ARPA-23	Quimby Affordable Condos Preservation - Metro West	1.0	334,203	334,203	Affordable Housing Eligible	0	Lack of long-term plan to address condo fees and building maintenance.
ARPA-08	Staffing for Basic Life Support Ambulance - Fire Department	0.9	3,569,052	35,569,052	Supporting Public Health Revenue Replacement (Must be cognizant of funding for position after end of ARPA monies)	0	Low ranking by Council.
ARPA-22	Watertown Pesticide Free Zones Signs - Individual	0.7	15,000	12,000	Revenue Replacement if City were to take on the project through the BOH. (Confirmed would be run by Health Department)	0	Low ranking by Council.
ARPA-05	Support for Early Childhood Education - Individual	0.2	N/A	N/A	Negative Economic Impacts Aids to Non-Profits CLA leery due to lack of information provided to proceed on this project	0	Low ranking by Council.
ARPA-27	College Applications Coach - Individual	0.2	60,000	20,000	Unable to spread funds throughout 3 years, funds would have to be committed to particular students by 12/31/24. Only eligible for revenue replacement if taken on by a City Department. (No confirmation received from the School Department)	0	Low ranking by Council.
ARPA-01	Request for Ballot Address System - City Clerk	N/A	26,336	26,336	Revenue Replacement Project (since purchase was after March 3, 2021 the City can reimburse ourselves for the cost)	N/A	Withdrawn by applicant, funded by City Council appropriation.
ARPA-28	Food Security Center Building Renovation - BWUMC	N/A	250,000	250,000	Negative Economic Impacts Aids to Non-Profits	N/A	Withdrawn by applicant, building plans changed.
ARPA-30	Mosesian Arts Mainstage Accessibility Improvements - MCA	N/A	200,000	175,000	Ineligible for revenue replacement since it is not run by the City. Ineligible for Negative economic impact aid to non-profit as it does not appear to be needed as a result of the pandemic.	N/A	Not eligible per CLA & Auditor.
ARPA-31	Request for Funds for the Folino Family - Individual	N/A	100,000	100,000	Aid to non-profits has to be proportionate response which this does not appear to be eligible as it is only benefiting an individual.	N/A	Not eligible per CLA & Auditor.

Proposed ARPA Allocation \$10,742,413





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

Committee of the Budget and Fiscal Oversight Report of the Meeting of December 4, 2023 (amended)

The Committee convened on Monday, December 4th, at 6pm in the Richard E. Mastrangelo Council Chambers, as a hybrid meeting, with remote participation by zoom. Present in person were Vincent Piccirilli, Chair; Emily Izzo, Vice Chair and Nicole Gardner, Secretary. Staff present were Megan Langan, Auditor, and Doug Newton, Council Analyst. Also present were Councilors Lisa Feltner and Anthony Palomba. Roughly 20 residents attended the meeting in person and on zoom.

Councilor Piccirilli called the meeting to order at 6:01 pm. The purpose of the meeting was twofold:

1. Hold a public forum on the Draft American Rescue Plan Act (ARPA) Funding Recommendations prepared by the Committee during its last meeting.
2. Develop final recommendations, for the City Council to discuss and vote on.

Councilor Piccirilli began by presenting slides (Attachment A) which discussed:

- Background on ARPA,
- The process the City of Watertown is using to determine its ARPA allocations,
- The process the Committee used to ensure the proposed allocation maximized the overall value of the grant we received,
- The process the Committee used to ensure the proposed allocation reflected the priorities of the Councilors as reflected in their earlier scoring of proposals, and
- The outcomes of the process, namely:
 - a) The amounts and rationale for each of the proposals that the Committee recommends funding.
 - b) The rationale for each of the proposals the Committee recommends receive no funding.

Overall, the recommended allocations total to ~\$4.9 million (or 45%) for Water & Sewer Infrastructure, ~\$4.4 million (or 41%) for Social Services, and ~\$1.4 (or 13%) for Climate and Energy.

The Chair then opened the public forum. James Mello spoke in favor of the Housing Authority McSherry Gardens project. Will Twombly spoke in favor of the Community Fridge and Marshall Place proposals. Rita Colafella said she wished even more funding could have gone to Social Services. Curtis Whitney spoke in favor of the Boys & Girls Club project. Alan Medville thanked the Committee and the City Council for the fairness and thoughtfulness of the process.

On a different note, Jared Knowles praised the amount of public interest and engagement in the process, and the creative ideas that came from the public. He suggested that the City of Watertown could build on this momentum, and suggested the City consider introducing some sort of participatory budgeting process, as is happening more and more in other municipalities.

The public forum was then closed.

Councilor Piccirilli next explained that Metro West had originally included a flat 15% administrative fee of \$37,500 as part of its \$250,000 proposal. The Committee had decided to not fund flat administrative fees, but rather, to pay for estimated costs being incurred. Metro West had since provided a bottoms up estimate of actual costs at \$21,250 (Attachment B). This approach of estimated actual overhead costs rather than applying a percentage is similar to the approach used by both Wayside and Right Turn (two other applicants). Committee members agreed that they felt comfortable recommending the \$21,250 estimated administrative costs for that project.

Councilor Palomba said that based on his professional experience working in non-profits, administrative fees are critical for them to operate. He asked the Committee to reconsider the approach it had adopted regarding not paying flat administrative fees, but paying estimated actual costs. Councilor Feltner said she empathized with Councilor Palomba's view.

Councilor Gardner made a motion, seconded by Councilor Izzo, that the Committee include Metro West's estimated administrative costs of \$21,250 in its recommendation to the Council, and that the allocations to Stormwater Trenches and Lead Gooseneck Pipes be reduced accordingly (50/50 split). Voted unanimously 3-0.

Councilor Feltner said that she was disappointed how the rankings by Councilors were used by the Committee. She also said she felt there was not a metric for the assessing the proposals on the long-term impact of each project on residents. Some projects -- such as water and sewer -- would impact all residents, into the future, and the value and impact could be calculated. **She expressed full support for the food pantry and Senior services; those benefits are measurable and data-driven, unlike something like a study with unknown outcomes.** She believes that some items that the Committee was planning to recommend be funded were more serving private interests of smaller numbers of residents, rather than provide a broad public benefit. She said she hoped for more guidance from the Auditor.

Auditor Langan confirmed that some projects, like water/sewer infrastructure, benefited all residents. However, she said that in her judgment the recommendations seemed consistent with the direction given by the City Council in their aggregate rankings.

Councilor Piccirilli noted that the original intent of the law included such items as public health and providing services to disproportionately impacted communities, as well as water/sewer infrastructure, and that he felt the balance across the categories reflected intent of the law.

Councilor Izzo concurred, and said the process had been very open and inclusive, where all voices were heard.

Councilor Gardner said that many benefits can't be quantified, such as the benefit to a child of going to bed have had enough to eat, or having a mentor at the Boys & Girls Club, or the benefit to a senior citizen to have an affordable place to live at Marshall Place, or to a person who receives help overcoming a substance abuse addiction and is able to pick their life up again. She believes the balance across the categories reflects the values of the community, as expressed through the Councilors.

Councilor Palomba agreed on the balance, and noted some people were harmed much more than others during covid, and that it is appropriate to put the focus and priority on the people most affected. He

again questioned whether the social service providers (Wayside, Right Turn, and Metro West) should all be given a standard flat administrative fee in there funding.

Councilor Piccirilli responded that all 3 organizations had committed to the projects under the current terms and we should move forward as agreed. He closed by saying that some people might want to put all the money toward infrastructure as the most fiscally responsible path, and others might want to put all the money toward social services that serve the neediest in our community. He understand both positions, but he believes the Preamble to our Charter shows that in our community we want to achieve a balance of both, and he believes the proposed allocation achieves this.

➔ **Action Item:** Councilor Gardner made a motion, seconded by Councilor Izzo, that the Committee of the Budget and Fiscal Oversight recommend to the City Council that it approve the proposed appropriation of ARPA funding, adjusted as described above. Voted unanimously 3-0.

The meeting adjourned at 7:17pm

Report prepared by Nicole Gardner

Attachments:

- A. ARPA Funding Presentation
- B. Metro West estimate of Administrative Budget for Financial Assistance Program

Public Forum: ARPA Funding Recommendations

Committee of the Budget &
Fiscal Oversight

December 4, 2023



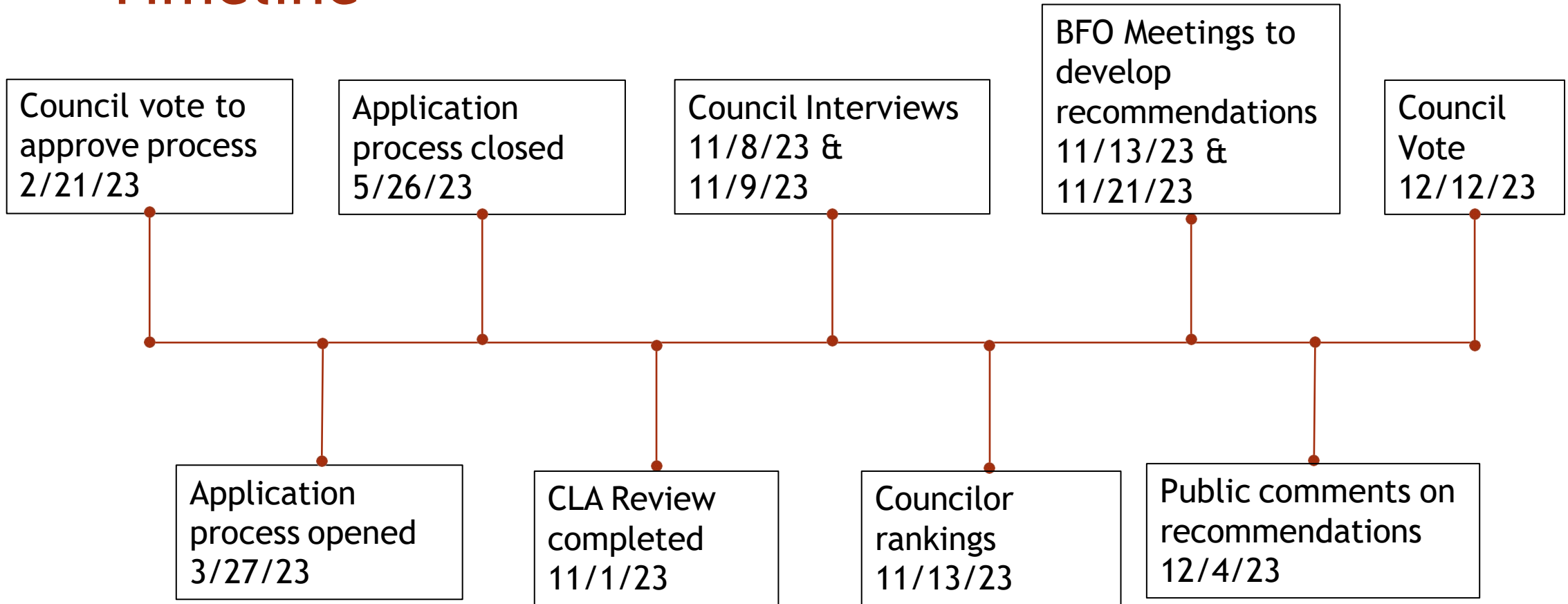
Background

- ▶ On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA).
- ▶ Among other investments made, \$65.1 billion in federal money was distributed to cities and towns nationwide.
- ▶ Watertown received \$10,742,413 and funds must be encumbered by December 31, 2024, and fully spent by December 31, 2026
- ▶ Funds can only be used for the following eligible expenditures:
 - 1 - Public Health
 - 2 - Responding to Negative Economic Impacts
 - 3 - Services to Disproportionately Impacted Communities
 - 4 - Premium Pay
 - 5 - Water, Sewer & Broadband Infrastructure
 - 6 - Revenue Replacement
 - 7 - Administrative

Watertown's Process

- ▶ Unlike other municipalities, the City Council decided to develop spending priorities, instead of the Administration, and assigned the BFO Committee with this task.
- ▶ The BFO Committee held informational forums and developed guidelines for requesting proposals from the public and city departments.
- ▶ 32 proposals were received, and the City Auditor hired CliftonLarsonAllen (CLA) to determine if each proposal was eligible for funds under the law.
- ▶ After receiving input from CLA, the Council conducted public interviews with each applicant deemed to be fully or conditionally eligible.
- ▶ After the interviews, each Councilor ranked the proposals based on priority for funding. These rankings were compiled into aggregate scores for each proposal.
- ▶ Based on these rankings, the BFO Committee crafted a comprehensive proposal for allocating Watertown's ARPA funds for the full Council and public to consider.

Timeline



Determining which proposals were recommended for funding and by how much

How to stretch the dollars

- ▶ 32 proposals with a total value of \$23,980,537 and available funds of \$10,742,413
- ▶ Each applicant was asked to provide a minimum amount to complete the project, and each applicant was asked if they would complete the project if they received the minimum.
- ▶ For applications with a contingency fee, applicants were asked if they would assume responsibility for this, and complete the project without it.
- ▶ For applications with a % administrative fee, applicants were asked if they would assume responsibility for this, and complete the project without it.
- ▶ For applications with two separate projects in the same application, applicants were asked if they would accept funding if only one project was funded.

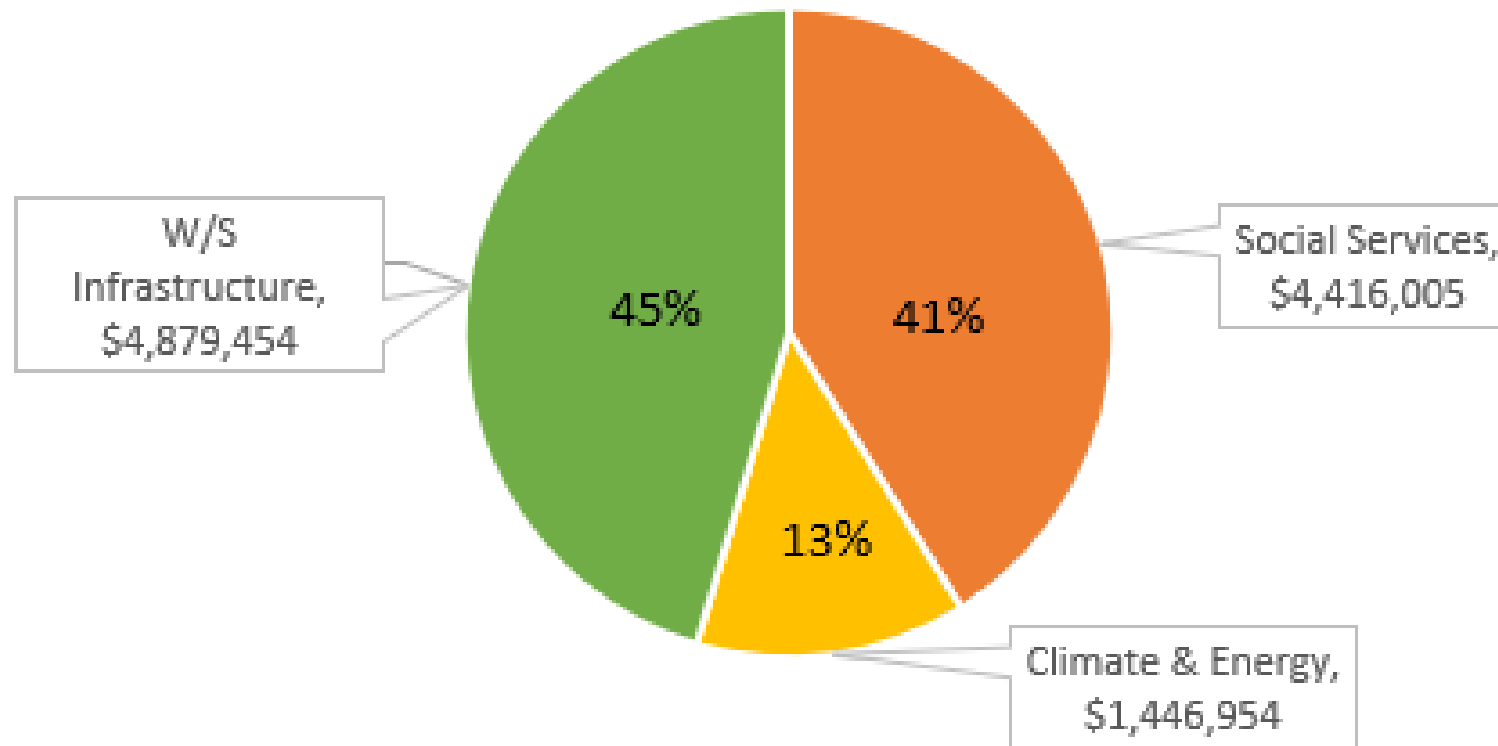
Determining which proposals were recommended for funding and by how much

How to prioritize

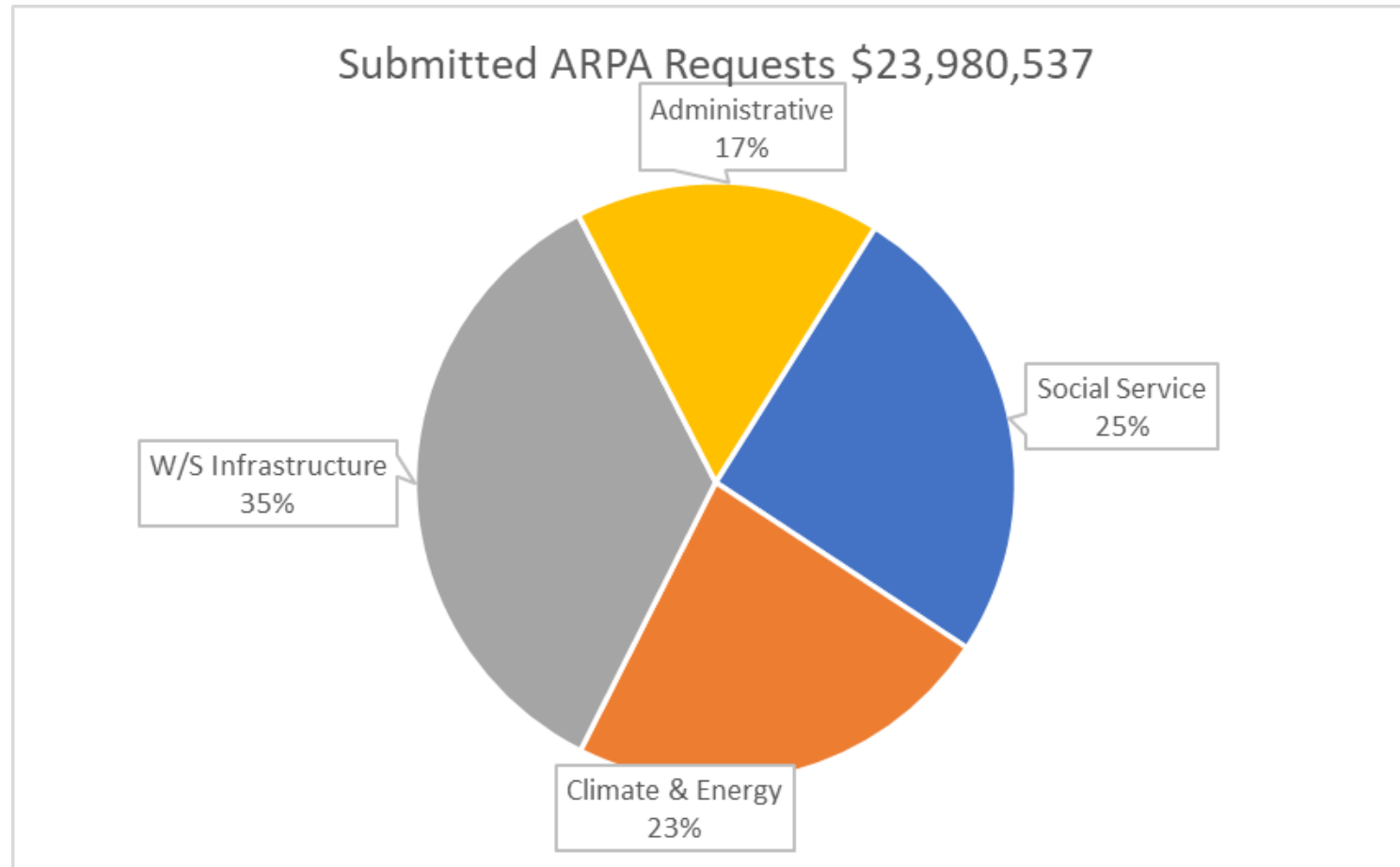
- ▶ Each Councilor was asked to rank each proposal with a number:
 - 4 = High priority for ARPA grant funding
 - 3 = Medium High priority for ARPA grant funding
 - 2 = Medium Low priority for ARPA grant funding
 - 1 = Low priority for ARPA grant funding
 - 0 = Do not fund with ARPA grant
- ▶ Scores were aggregated and used for guidance by the BFO Committee:
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Draft recommended allocations by focus area

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For comparison - requested funding - all 32 applications



Water & Sewer Infrastructure Draft Recommendation - \$4,879,454

- ▶ Sewer Phase 4 Rehabilitation-DPW: \$2,500,000
- ▶ Cottage Street Water Main Resident Engineering and Construction Services-DPW: \$2,000,000
- ▶ Lead Gooseneck Removal-DPW: \$379,454

Social Services Draft Recommendation - \$4,416,005

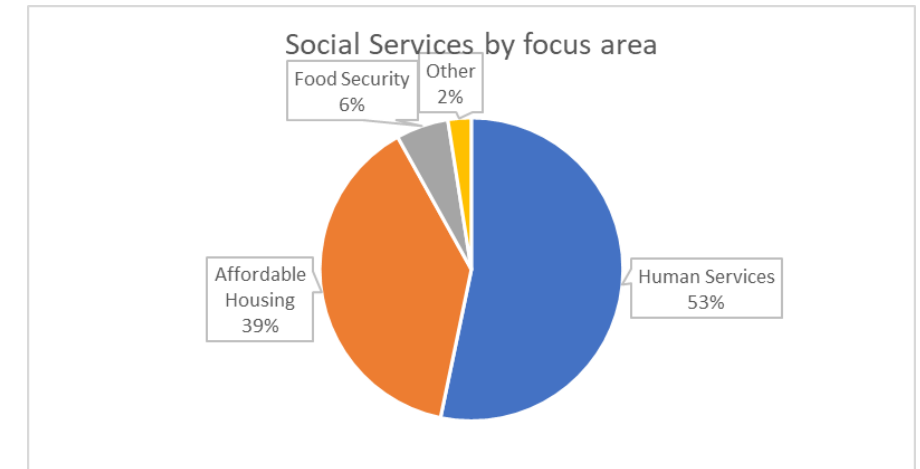
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- ▶ Watertown Direct Assistance Program-Metro West: \$212,500

Affordable housing

Food security

Other



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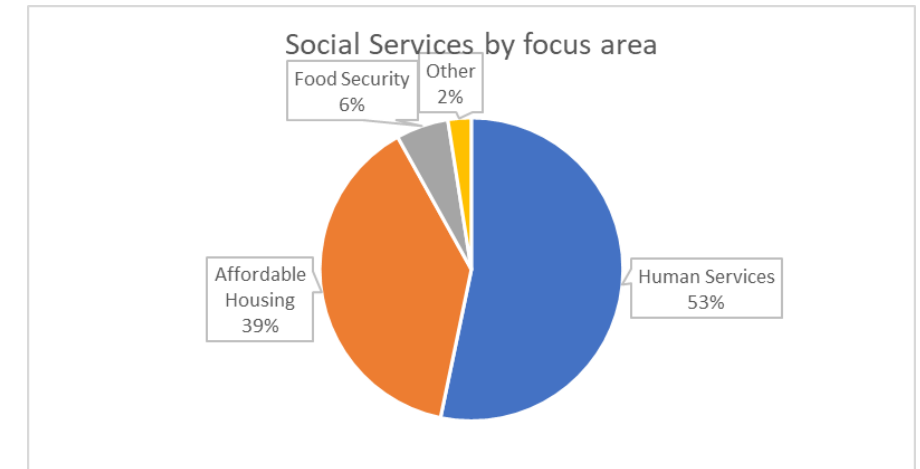
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Other



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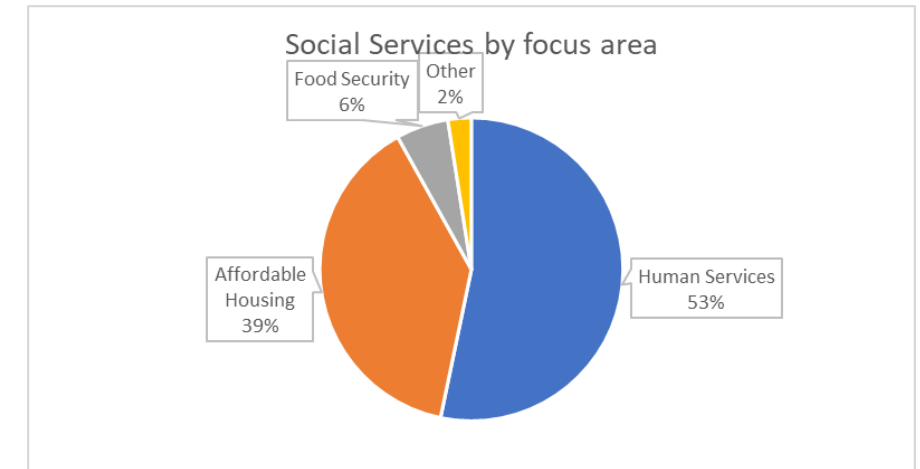
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Other



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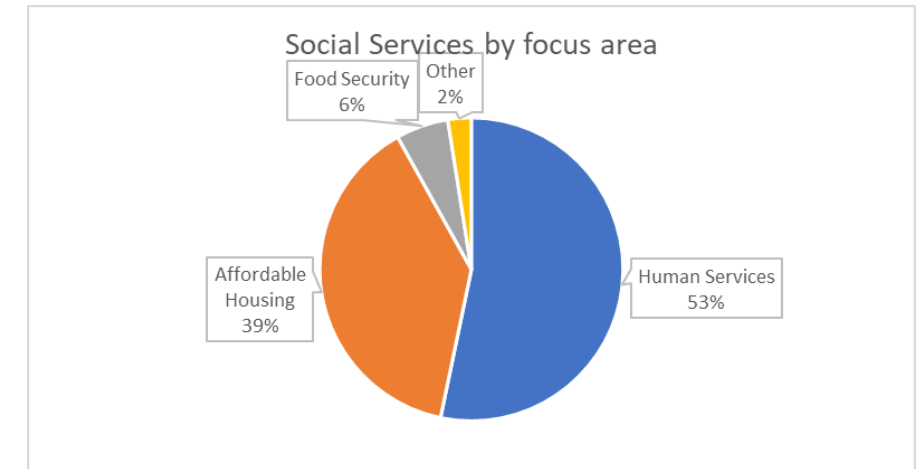
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- ▶ PV Array for Watertown High School-SBC: \$1,000,000
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- ▶ Study for City-supported Local Transit-Multiple: \$67,500

Projects not recommended for funding(1 of 2)

Not Eligible

- ▶ Mosesian Arts Mainstage Accessibility Improvements -MCA: \$200,000
- ▶ Request for Funds for the Folino Family-Individual: \$100,000

Withdrawn

- ▶ Food Security Center Building Renovation BWUMC: \$250,000
- ▶ Request for Ballot Address System-City Clerk: \$26,336

Operating Budget

- ▶ Grant Development Manager-Finance Department: \$344,945
- ▶ Public Art in Commercial Centers-DCDP: \$60,000
- ▶ Interpretation Services Individual: \$10,000

Water/Sewer Budget

- ▶ Bigelow Ave Water Main Replacement Program-DPW: \$3,000,000

Projects not recommended for funding(2 of 2)

Low priority per Councilor ranking

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- ▶ Quimby Affordable Condos Preservation-Metro West: \$334,203
- ▶ College Applications Coach-Individual: \$60,000
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- ▶ Support for Early Childhood Education-Individual: N/A

Tonight:

1. Public Comments on Preliminary Recommendations on ARPA Funding Requests
2. Committee Discussion on Final Recommendations on ARPA Funding Requests to the City Council

Future City Council meeting (target December 12):
Deliberation and appropriation vote by the full Council.

Attachment B

Metro West Administrative Budget for Direct Financial Assistance Program

Personnel

Intake Counselor	\$ 7,000.00
Compliance Manager	\$ 7,000.00
COO	\$ 3,000.00
CFO	\$ 1,500.00
IT Consultants	\$ 2,500.00

Supplies

\$ 250.00
<u>\$ 21,250.00</u>

Excluded from 10% budget

Exec Dir time
Web Consultants
additional staff time
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Direct Financial Assistance to Watertown Residents	<u>\$212,500.00</u>
Total Award to Metro West Collaborative Development	<u>\$233,750.00</u>

Notes

based on an average of 8 hours/week over course of the grant
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upfront technical design and implementation plus sporadic troubleshooting

Printing, postage, etc.

Public Forum: ARPA Funding Recommendations

Committee of the Budget &
Fiscal Oversight

December 4, 2023



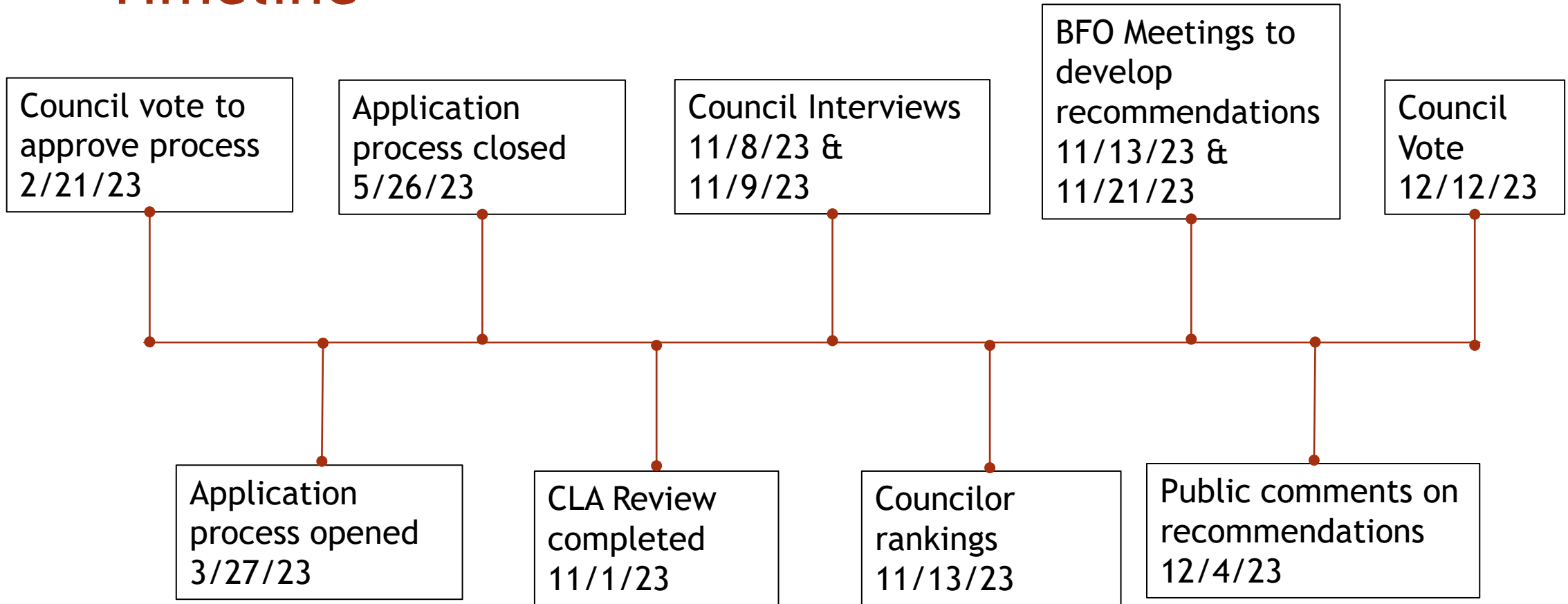
Background

- ▶ On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA).
- ▶ Among other investments made, \$65.1 billion in federal money was distributed to cities and towns nationwide.
- ▶ Watertown received \$10,742,413 and funds must be encumbered by December 31, 2024, and fully spent by December 31, 2026
- ▶ Funds can only be used for the following eligible expenditures:
 - 1 - Public Health
 - 2 - Responding to Negative Economic Impacts
 - 3 - Services to Disproportionately Impacted Communities
 - 4 - Premium Pay
 - 5 - Water, Sewer & Broadband Infrastructure
 - 6 - Revenue Replacement
 - 7 - Administrative

Watertown's Process

- ▶ Unlike other municipalities, the City Council decided to develop spending priorities, instead of the Administration, and assigned the BFO Committee with this task.
- ▶ The BFO Committee held informational forums and developed guidelines for requesting proposals from the public and city departments.
- ▶ 32 proposals were received, and the City Auditor hired CliftonLarsonAllen (CLA) to determine if each proposal was eligible for funds under the law.
- ▶ After receiving input from CLA, the Council conducted public interviews with each applicant deemed to be fully or conditionally eligible.
- ▶ After the interviews, each Councilor ranked the proposals based on priority for funding. These rankings were compiled into aggregate scores for each proposal.
- ▶ Based on these rankings, the BFO Committee crafted a comprehensive proposal for allocating Watertown's ARPA funds for the full Council and public to consider.

Timeline



Determining which proposals were recommended for funding and by how much

How to stretch the dollars

- ▶ 32 proposals with a total value of \$23,980,537 and available funds of \$10,742,413
- ▶ Each applicant was asked to provide a minimum amount to complete the project, and each applicant was asked if they would complete the project if they received the minimum.
- ▶ For applications with a contingency fee, applicants were asked if they would assume responsibility for this, and complete the project without it.
- ▶ For applications with a % administrative fee, applicants were asked if they would assume responsibility for this, and complete the project without it.
- ▶ For applications with two separate projects in the same application, applicants were asked if they would accept funding if only one project was funded.

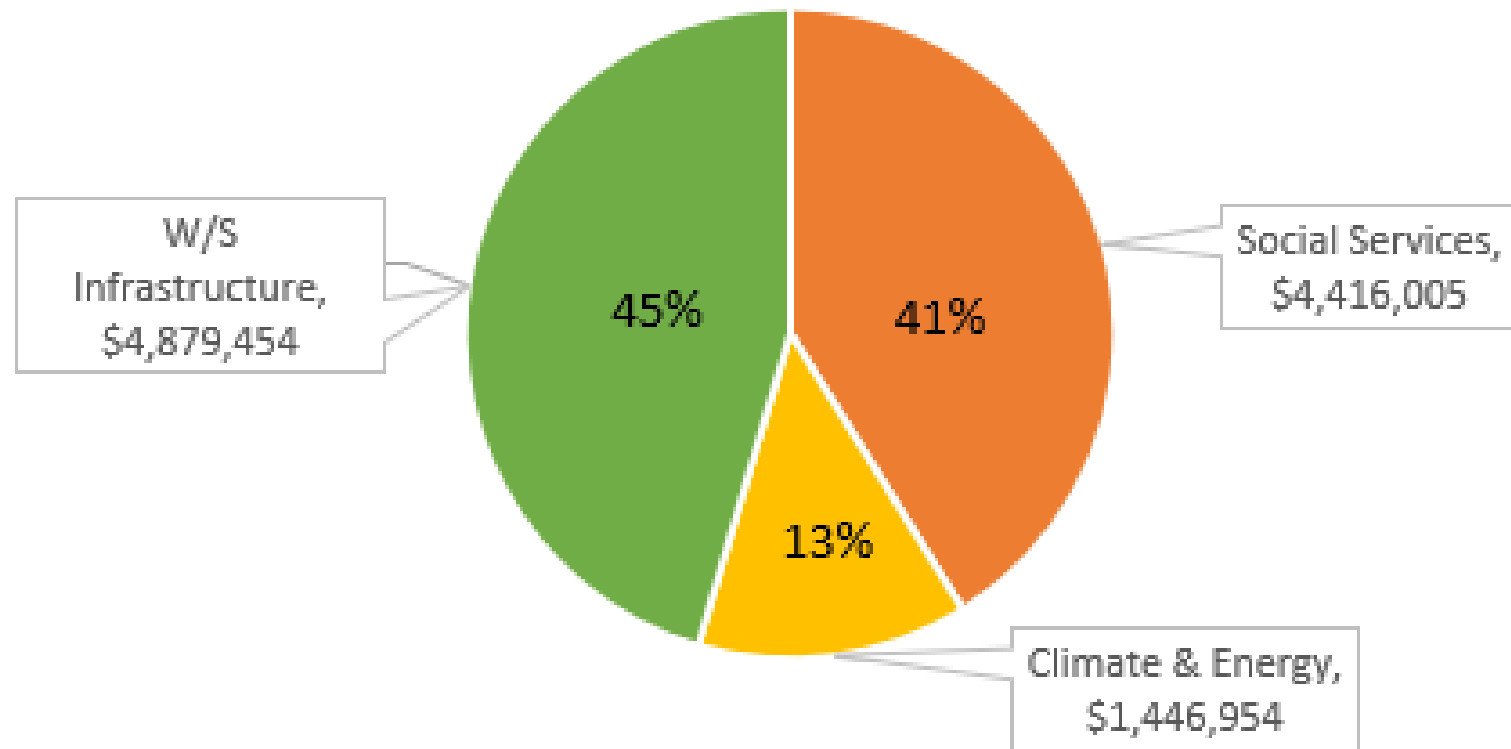
Determining which proposals were recommended for funding and by how much

How to prioritize

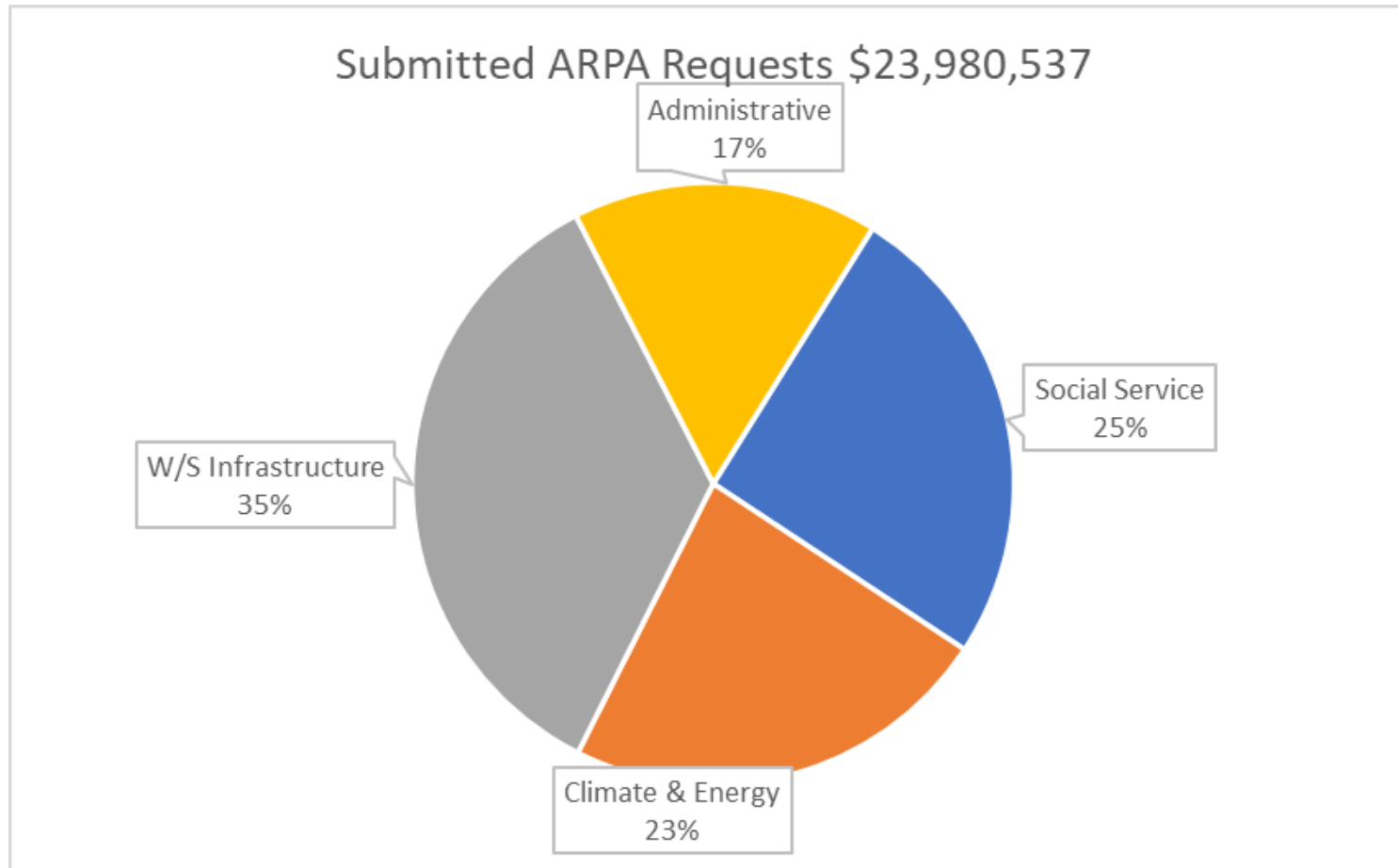
- ▶ Each Councilor was asked to rank each proposal with a number:
 - 4 = High priority for ARPA grant funding
 - 3 = Medium High priority for ARPA grant funding
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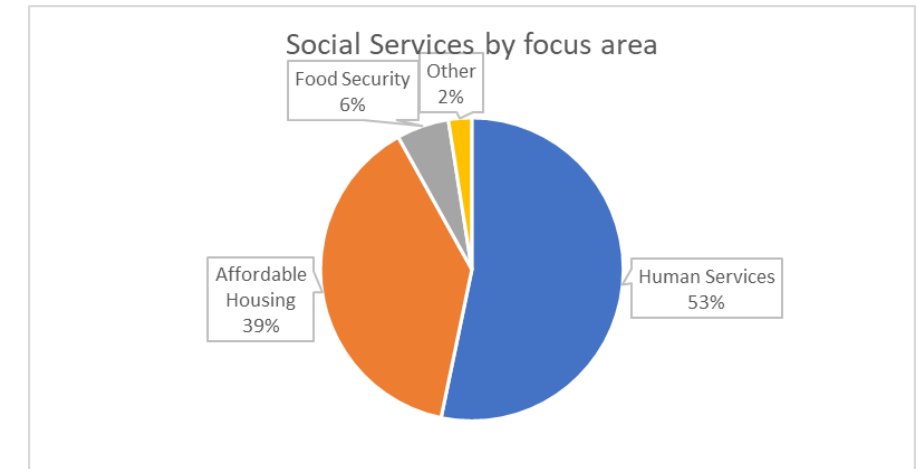
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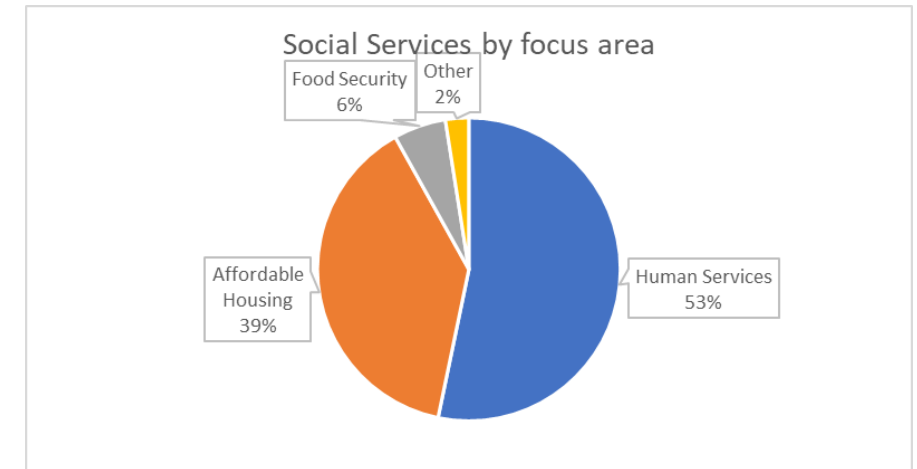
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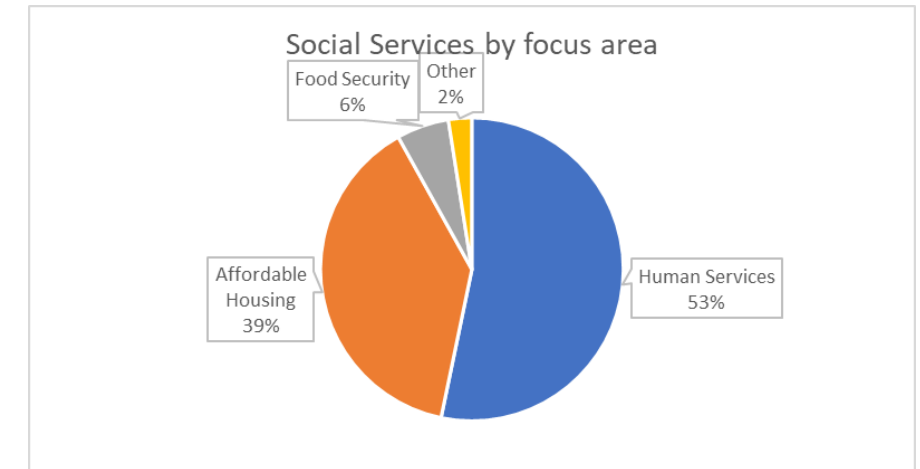
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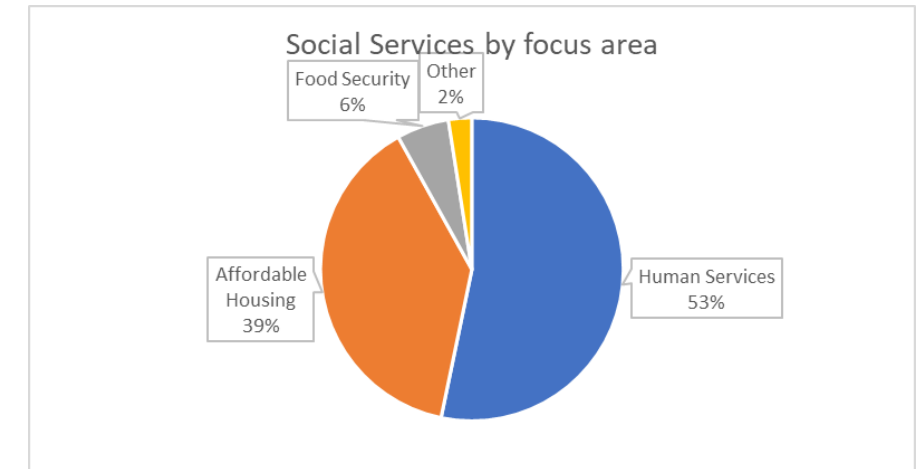
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**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 2023**

	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 the Report from the Committee on Public Works from its meeting on 11/16/23

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: DECEMBER 12, 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 ACTION ITEM from the PW meeting on 11/16/23 to recommend that the City Council Approve the DPW recommendation for the 2023 Local Road Construction Program as presented.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

Committee on Public Works

Councilor Piccirilli, Chair, Councilor Feltner, Vice Chair, Councilor Palomba, Secretary Committee Report of November 16, 2023 Meeting

The Committee on Public Works met on Thursday, November 16 in the City Council Chambers at 5:00 PM. It was a hybrid meeting so residents could attend the meeting on Zoom. Also, comments could be directed through email to apalomba@watertown-ma.gov.

The purpose of the meeting was to review and make recommendations on the **2024 Local Road Construction Program**.

Present at the meeting were the three members of the Committee, Councilors Piccirilli, Chair, Councilor Feltner, Vice Chair, Councilor Palomba, Secretary. Also present were Michael Albano, Director of Administration, and Finance and Tyler Glode, City Engineer, from the Department of Public Works (DPW). Joining by zoom were Michael Cookson, Assistant Director of Administration and Finance at DPW, and resident Dean Martino.

Councilor Piccirilli began that meeting at 5:10 PM and introduced himself and the members of the Committee. He invited Mr. Glode to give the 2024 Road Program slide presentation. The Secretary recommends that one review the slide presentation to learn about the road program's goals, steps taken to maintain and repair streets, what is involved in a complete road reconstruction, and related information. The presentation is attached.

Given the length of the presentation, the Secretary chose to list the highlights and related discussions by the Committee. A complete recording of the meeting can be found on WCATV's website at <http://vodwcatv.org/CablecastPublicSite/show/2879?site=3>.

1) Eight of the ten roads from the 2023 road construction program – Taylor Street, Bradshaw Street, Loomis Avenue, Bates Road, East Bates Road, Francis Street, Nash Street, and Essex Street – were either completed or are waiting for final inspection by DPW. Belmont Street, which is being done in conjunction with Belmont, is estimated to be completed by December 15, 2023.

2) Highland Avenue, which is part of DPW's Long Streets and Connector Program, is 50% complete. The project began in June of 2023 and was to be completed by the end of November of 2023. At this time the anticipated completion date is the spring of 2024. Councilors inquired how the street will be prepared in anticipation of winter. DPW responded that curbing, a binder coat, and driveway aprons should be completed soon. The Chair confirmed that any additional work needed in anticipation of winter would be the financial responsibility of the contractor. Chapman Street which was bid along with Highland Avenue has been moved to FY 25.

3) As in the past, DPW looked at a number of factors to determine which streets will undergo full reconstruction. Some of these factors include a review of the pavement condition index (PCI), what utilities (water, sewer, and drain) are planned to be replaced, and the plans of public utilities (National Grid and Eversource). In regards to these factors, it should be noted that there is a general moratorium on digging up a street that has been reconstructed. If it is absolutely necessary to do so, the contractor is

required to repair the portion excavated in full.

4) Based on the factors noted above, DPW is recommending that the following streets be reconstructed beginning in the spring of 2024 – **George Street, Bromfield Street, Mangano Court, Grandview Avenue, and Dwight Street.**

ACTION ITEM:

Councilor Palomba made the following motion, which was seconded by Councilor Feltner, **The Committee recommends that the City Council approve the Department of Public Works recommendations for the 2024 Local Road Construction Program as presented using the FY 24 \$2.5 million loan order for George Street, Bromfield Street, Mangano Court, Grandview Avenue, and Dwight Street.** The motion passed 3 – 0.

5) Mr. Glode reviewed DPW’s ongoing capital projects including the implementation of the recommendations of the Arsenal Street Corridor Study for Watertown Square, the MassDOT design and funding for the Galen Street/Nonantum Road/Watertown Square intersection, and the Arsenal Street Corridor.

6) There was a brief discussion of the improvements on Arsenal Street which are being funded by the City, developers, and federal funds via Representative Clark. Concerns included the pace of the improvements and the number of traffic lights and how they are sequenced. DPW is working to adopt “adaptive traffic control” techniques and install related software in the next year and a half which should improve the timing and sequencing of the traffic lights.

7) There was concern that the Long Streets and Connector Program, which was started in 2021 and funded by annual borrowing of \$1.5 million, is not proceeding as rapidly as hoped. Concern about Highland Avenue was already noted. (See below a portion of the minutes of the Committee’s 2023 November 11 meeting that provides information on the funding and anticipate construction of the streets included in the Long Streets and Connector Program.) At this time, Morse Street which was to be reconstructed in spring of this year is now only ready for bidding. Fifth Street which is scheduled for reconstruction in spring of 2024 is only in the design development phase, and Springfield Street which is scheduled for reconstruction in 2025 is ready for design. Staffing and supply change problems were offered as reasons for the delays, but it was also mentioned the Mt. Auburn Street Complete Streets Project has required an inordinate amount of work and staff time.

Morse Street- FY 22 borrowing – construction spring of 2023

Fifth and Watertown Streets – FY 23 borrowing- construction spring of 2024

Forest and Springfield Streets – FY 24 borrowing – construction spring of 2025

Riverside Street – FY 25 borrowing – construction spring of 2026

8) The Committee asked that DPW to prepare a document that shows the step-by- step process, including the time required for each step, which is followed from the time a street is approved for reconstruction to when it is completed and inspected.

-3-

9) There was a brief discussion of recent sidewalk repairs and why some are a different color than others. “Lamp black” is a substance added to cement that depending on the amount used could result in different coloring. Different coloring could even happen when the amount of lamp black is the same in a batch of cement due to the curing process and the exposure to weather. It was noted that the use of lamp black can produce a heat island effect. The Committee recommended that DPW reconsider the use of lamp black in future sidewalk projects.

Councilor Feltner made a motion to adjourn which was seconded by Councilor Palomba and passed 3 – 0. The Committee adjourned at approximately 7:00 PM. Minutes were prepared by Councilor Palomba.

ELECTED OFFICIALS

Vincent J. Piccirilli,
Chair

Lisa J. Feltner,
Vice Chair

Anthony Palomba
Secretary

FY2024 Road Program



Public Works Subcommittee Presentation
November 16, 2023

Agenda

- Road Program Goals
- 2023 Road Reconstruction Update
- 2024 Road Reconstruction List
- Capital Projects and Planning
- Complete Streets Update
- Planning, Design & Construction
- Summary



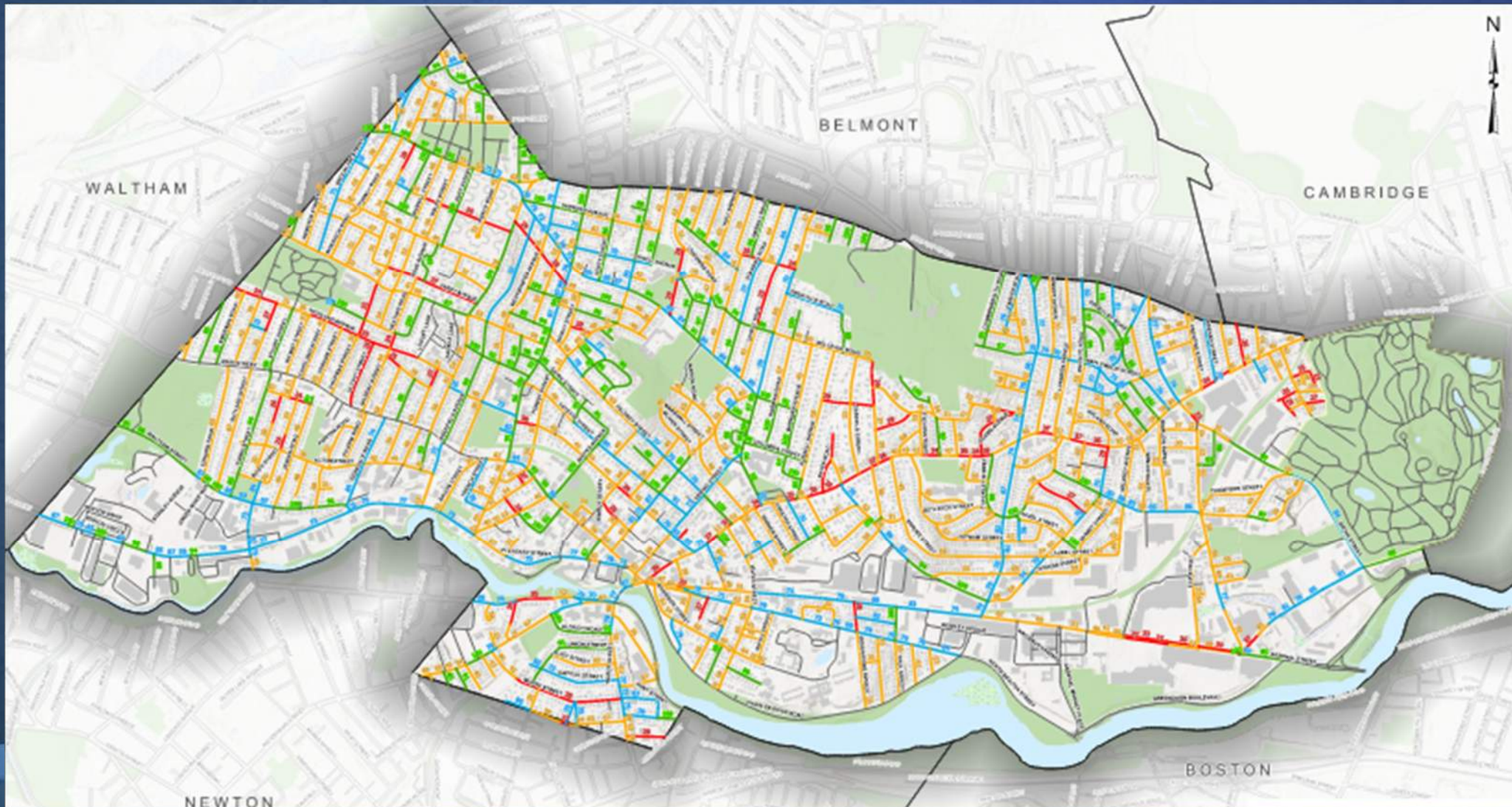
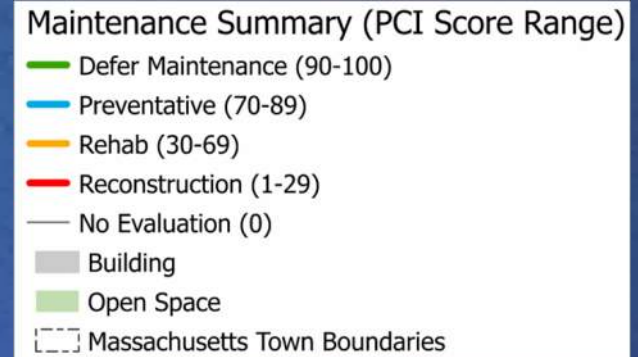
Road Program Goals

Key Facts & Considerations

- 72 centerline miles of City roads
 - 55 miles of residential roads
 - Average width of residential roads is 25 feet
- Anticipated Construction Season Impacts
 - 3,500 feet of water main replacement
 - 2,500 feet of sewer main replacement
 - 1,000 feet of drain replacement / 20 Infiltration Trenches
 - 7,000 feet of gas main replacement (National Grid)
- Pavement Management
 - 3,000 feet of road reconstruction
 - 4,000 feet of sidewalk rehabilitation
 - 5,000 feet of mill & overlay
- Town-Wide Pavement Condition Index: **65**
- Total Work Backlog: **\$85+ million**

Road Program Goals

Road Reconstruction Progress



Road Program Goals

Program Activities

● Maintenance and Repair

- Mill and overlay repairs
- Full depth patch
- Crack sealing
- Sidewalk reconstruction

● Road Reconstruction

- Road reclamation
- Mill and overlay



Road Program Goals

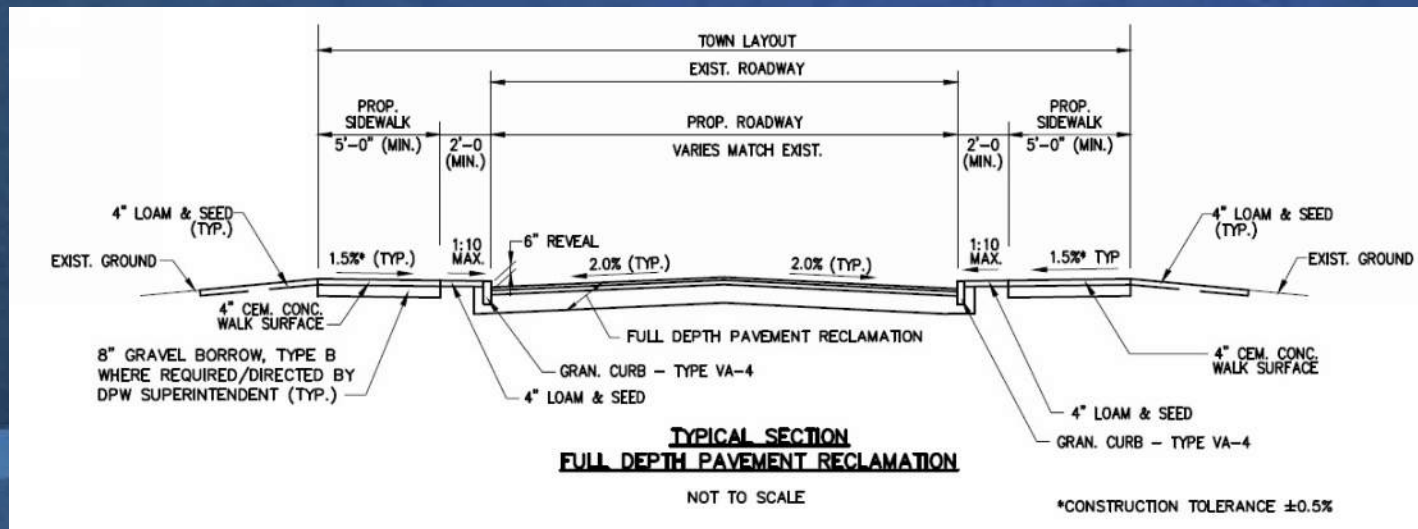
Maintenance, Repair & Reconstruction

- Provide a variety of maintenance treatments to prolong the useful life of less deteriorated roadways
- Coordinate road reconstruction activities with capital planning and utility work
- Seek long term planning and alternative funding for large-scale projects
- Improve accessibility and safety for all users by using “Complete Streets” principles

Road Program Goals

Typical Elements of Road Reconstruction

- Road reclamation and paving
- Drainage repairs
- Curbing
- Concrete sidewalks
- ADA Accessibility
- Grass borders and street trees



2023 Road Reconstruction Recap

Completed Streets and Remaining Construction

- Taylor Street
- Bradshaw Street
- Loomis Avenue, Bates Road & East Bates Road
- Francis Street
- Nash Street & Essex Street
- Highland Avenue
- Belmont Street in Conjunction with the City of Cambridge

2023 Road Reconstruction Update

Taylor Street



Before
Work Complete



After

2023 Road Reconstruction Update

Bradshaw Street



Before



After

Work Complete

2023 Road Reconstruction Update

Loomis Avenue, Bates Road & East Bates Road



Loomis Ave - Before



Bates Road - Before



East Bates Road - Before



Loomis Ave - After



Bates Road - After



East Bates Road - After

2023 Road Reconstruction Update

Francis Street



Before



After

Work Complete

2023 Road Reconstruction Update

Nash Street & Essex Street



Nash Street - Before



Nash Street - After



Essex Street - Before



Essex Street - After

2023 Road Reconstruction Update

Highland Avenue



Highland Ave - Before



Highland Ave - After

50% Complete – Documentation Ongoing

2023 Road Reconstruction Update

Belmont Street in Conjunction with Cambridge



Belmont Street - Before



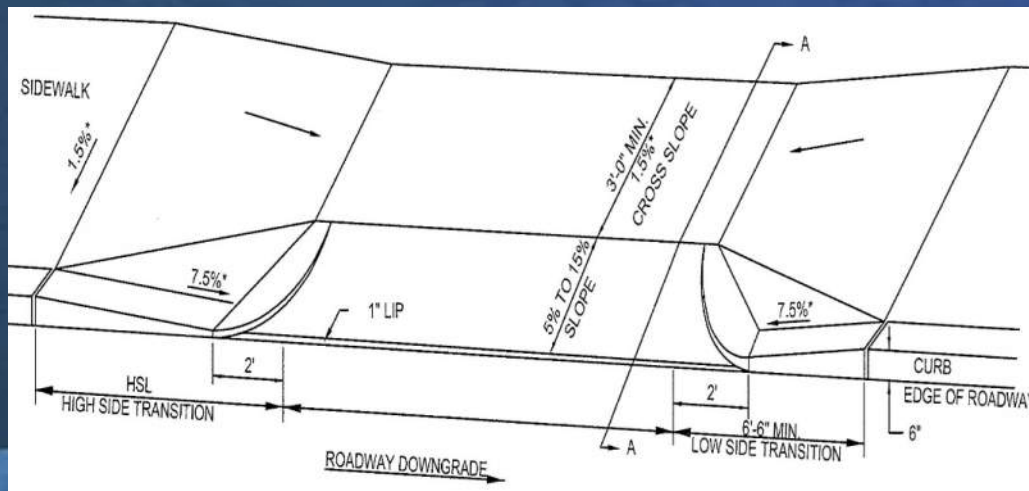
Belmont Street - After

Estimated Completion – December 15, 2023

2024 Road Reconstruction List

Developing the List

- Review Pavement Condition Index (PCI)
- Review Utilities (Water, Sewer, Drain)
- Review Public Utilities (NGRID, Eversource, ...)
- Estimate, Review Traffic and Transportation Impacts
- Safety Improvements, Multi-modal Transportation, and other City Design Standards,



● Driveway Ordinance

- Section 6.02
- max of two curb cuts
- max of 11 foot width
- 20 feet between curb cuts
- max of 40% of frontage, or 22 feet, whichever is less

2024 Road Reconstruction

Utility Coordination & Capital Planning

- Water main replacement program
 - Cottage Street
 - Sawin Street
 - Cottage Lane
 - Molloy Street
 - Lyons Street
 - Sexton Street
 - Mt Auburn Valve Replacement Program
- Sanitary sewer and storm sewer repairs
 - CIP Phase 3 and 4
- National Grid plans to complete about 2.1 miles of gas main replacement in CY 2024 with 5.9 miles of total repairs in design development

2024 Road Reconstruction List

Proposed Streets

- George Street
- Bromfield Street
- Mangano Court
- Grandview Avenue
- Dwight Street

FY23 Streets to be Completed in FY24

- Chapman Street

2024 Road Reconstruction List

George Street



George Street

- Gas main replaced; water main replaced
- Lack of curb, sidewalks in poor condition
- Multiple cross & mainline trenches

Approx. 1,000 feet long– 24 feet wide

2024 Road Reconstruction List

Bromfield Street



Bromfield Street

- Gas main replaced; water main replaced
- Lacks consistent curb
- Significant cracking and spalling

Approx. 1,200 feet long – 24 feet wide

2024 Road Reconstruction List

Mangano Court



Mangano Court

- Gas main replaced; sewer and drain replaced
- Broken/lack of curb
- Sidewalks in poor condition
- Significant cracking, spalling, and potholes

Approx. 350 feet long – 24 feet wide

2024 Road Reconstruction List

Grandview Avenue



Grandview Avenue

- Gas main replaced; sewer and drain replaced
- Some curb
- Cracking and spalling

Approx. 500 feet long – 24 feet wide

2024 Road Reconstruction List

Dwight Street



Dwight Street

- Gas main replaced; sewer and drain replaced
- Significant cracking, spalling, potholes
- Significant mainline trenches and patch repairs
- No curb

Approx. 300 feet long – 24 feet wide

Capital Projects

- Watertown Square
- Arsenal Street
- Long Streets / Connectors
 - Highland Avenue
 - Morse Street
 - Fifth Ave
 - Springfield Street
 - Riverside Street
- Mount Auburn Street



Mount Auburn Street
A Complete Streets **Project**



Capital Projects and Planning

Watertown Square

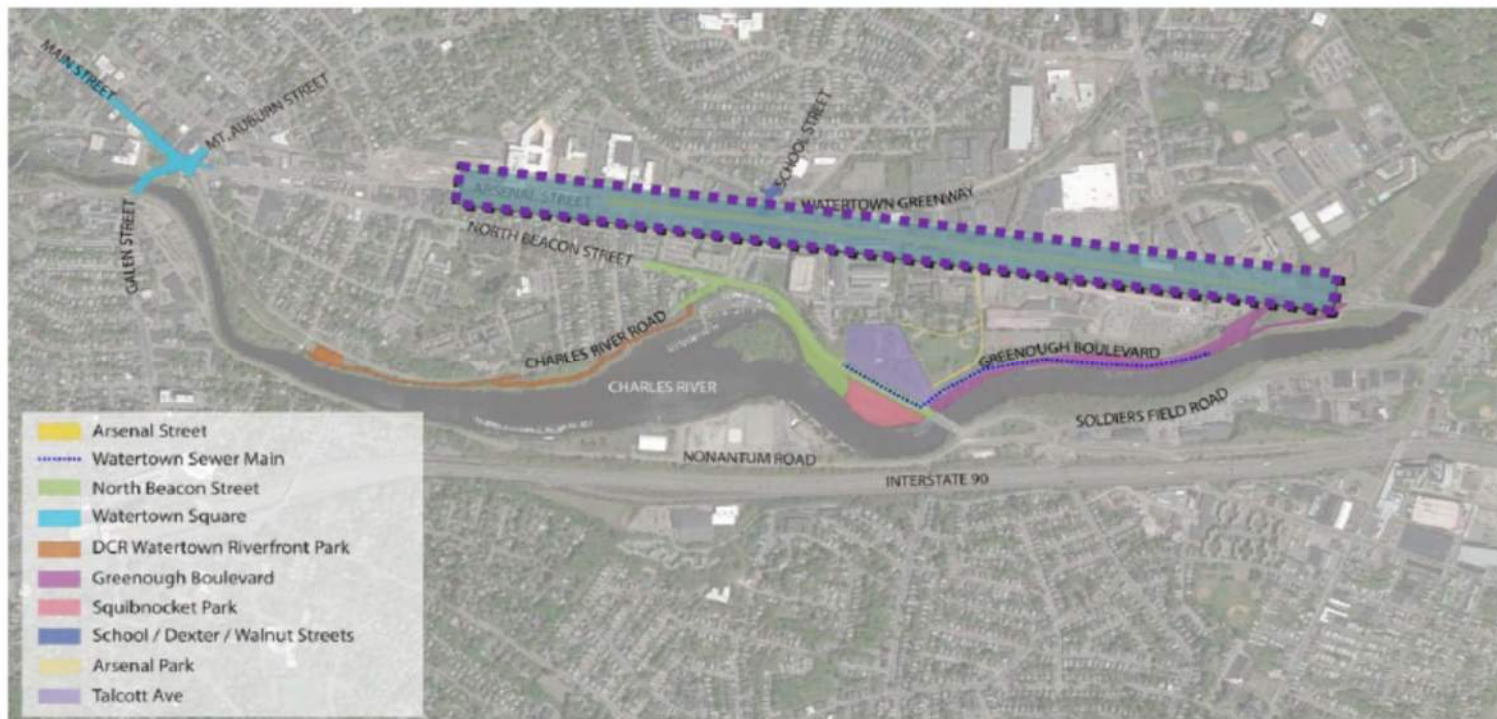
- Further investigate and implement recommendations of Arsenal Street Corridor Study for Watertown Square
- MassDOT design and funding for Galen Street/Nonantum Road/Watertown Street intersection



Capital Projects and Planning

Arsenal Street Corridor

- Louise Street intersection completed as mitigation
- Scheduled to be completed as part of the MassWorks program



Capital Projects and Planning

Long Street / Connectors

- Highland Ave – Under Construction, Estimated FY24
- Morse Street – Ready for bidding process
- Fifth Ave – In Design Development/Coordination
- Springfield Street – Ready for design
- Riverside Street – Requires gas utility work

Mitigation Projects and Planning

Coolidge Avenue

- Offsite Coolidge Avenue Improvements are progressing through closeout procedure.
- Final inspections are being performed and any repairs and open items are being compiled into a report to issue to the general contractor.



Capital Projects and Planning Mt. Auburn Street

- Easements have been coordinated with abutters
- Bid process is ongoing, bid opening December 2023
- Utility improvements associated with NGRID gas and water service lead removal programs are actively being completed



www.mountauburnstreet.com

Questions?

2024 Road Reconstruction List

Proposed Streets

- George Street
- Bromfield Street
- Mangano Court
- Grandview Avenue
- Dwight Street

FY23 Streets to be Completed in FY24

- Chapman Street



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: December 7, 2023

RE: Request for Confirmation – Reappointments to the Historic District Commission

Pursuant to the provisions of the Watertown Home Rule Charter and Town Council Ordinance 2007-46, An Ordinance on the Timing and Process of Appointments to Town Boards, Commissions and Committees, I am transmitting herewith a request for reappointments to the Historic District Commission which requires Council confirmation.

- Robert Bloomberg – Reappointment as a member of the Historic District Commission to a term expiring November 15, 2026
- Elizabeth Hayes – Reappointment as a member of the Historic District Commission to a term expiring November 15, 2026
- Jae Hyoun Kim – Reappointment as a member of the Historic District Commission to a term expiring November 15, 2026

Thank you for your anticipated cooperation in this matter.

Watertown Ordinance.

SUBCHAPTER II Snow and Ice Removal

§ 96.25 **-Snow and ice on public way.**

[1982 Code, Ch. VII, § 5; amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; amended Ord. 38, passed 5-13-1997; amended Ord. 13, passed 3-11-2003]

No person or entity, regardless of its ownership, tenancy, or other status or relationship to any real property, nor any agent, employee, contractor, or servant of any such person or entity, shall place, throw, plow or in any way move, any snow or ice onto any portion of the City's streets and ways. Without limiting the generality of the foregoing, streets and ways shall include the vehicular pavement, sidewalks, ramps, islands, and medians, whether used by vehicles or pedestrians. Notwithstanding the foregoing, however, this section shall not be construed to prohibit owners or lawful occupants of residential premises from placing snow and ice on the sidewalks immediately adjacent to the driveway opening as long as a minimum 42-inch pathway along the sidewalk, or the full width of the sidewalk if narrower, is provided for passage within 24 hours of cessation of snow, sleet or freezing rain.

§ 96.26 **Removal of snow and ice on sidewalks by abutting property owners**

[Ord. 39, passed 5-13-1997]

(A) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK(S)

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, paved and intended for the use of pedestrians.

SMALL RESIDENTIAL PROPERTIES

Any residential property with one, two or three residential units contained within.

ABUTTING PROPERTY OWNERS

The legal owners of real property abutting on a public street or way and, if in question, as determined by the Zoning Enforcement Officer.

(B) Snow and ice to be removed from sidewalks by abutting property owners.

(1)

(a) In order to provide for safe pedestrian passage and universal access, abutting property owners shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 42 inches, or to the full width of the sidewalk

if narrower, from that portion of the sidewalk which abuts their property. For properties abutting sidewalks with curb cuts, ramps, and other access points, abutting property owners shall provide unimpeded access to the street.

(b) Except as provided in (B)(2), snow, and ice shall be removed from sidewalks within 24 hours of cessation of snow, sleet or freezing rain.

(2) In the event that snow and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, abutting property owners shall, within the time mentioned in this section, cause enough sand or melting agent to be put on the sidewalk to make travel thereon reasonably safe, and thereafter, as soon as weather permits, shall cause a path to be cleared of such snow and ice of at least 42 inches in width, or to the full width of the sidewalk if narrower.

(3) In the event of a declaration of a State of Emergency by the Governor, applicable to an area of the Commonwealth which includes the City of Watertown, as a result of snow, sleet or freezing rain, the provisions of this section shall be suspended for a period of 24 hours after the cessation of the fall of such snow, sleet or freezing rain or until the end of the State of Emergency, whichever is the latest to occur. The City Manager may extend the deadlines set forth above as conditions may warrant.

§ 96.27 Enforcement of snow and ice removal.

[1982 Code, Ch. VII, § 5(C); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, Sec. C (2), passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

The City Manager, the Superintendent of Public Works, all Watertown police officers, the Code Enforcement Officer, and any other City employees from time to time designated by the City Manager, are empowered and authorized to enforce § 96.25 and § 96.26.

§ 96.99 Penalty.

[1982 Code, Ch. VIII, § 24; 1982 Code, Sec. 5(B); amended Ord. 90, passed 12-10-1991; amended Ord. 4, passed 1-28-1992; Ord. 39, passed 5-13-1997; amended Ord. O-2016-47, passed 8-9-2016]

(A) The penalty for violation of § 96.16 shall be \$200.

(B) Anyone violating the prohibitions of § 96.25 of this chapter shall be subject to a specific penalty of a fine in an amount up to \$300 for each offense. The fine structure is as follows:

(1) All first violations: Documented warning.

(2) Subsequent violations:

(a) Residential (less than six dwelling units):

1. Manual snow shoveling:
 - a. Second violation: \$25 fine.
 - b. Third or more violations: \$50 fine.
 2. Mechanized snow shoveling:
 - a. Second violation: \$25 fine.
 - b. Third violation: \$100 fine.
 - c. Fourth or more violations: \$300 fine.
- (b) Commercial and six or more dwelling units residential:**
1. Manual snow shoveling:
 - a. Second violation: \$50 fine.
 - b. Third or more violations: \$300 fine.
 2. Mechanized snow shoveling:
 - a. Second violation: \$150 fine.
 - b. Third or more violations: \$300 fine.

(C) Anyone violating § 96.26 of this chapter shall be fined as follows:

(1) For Small Residential Properties

- a. First Violation: documented warning
- b. Second Violation: ~~-\$50~~
- c. Third and Subsequent Violations: ~~-\$100~~ for the third and all subsequent violations in the same winter season

(2) For All Other Properties

- a. First Violation: documented warning~~-~~
- b. Second Violation: \$100
- c. Third Violation: \$200
- d. Fourth and Subsequent Violations: \$300 for a fourth and all subsequent violations during the same winter season~~-~~

(D). Exemptions. The City Manager may issue regulations providing exemptions from this section for residents who are unable to meet the physical requirements of this section, particularly for low-income, elderly, or disabled residents, or for other unusual circumstances.

(E) These penalties may be enforced by non-criminal disposition procedures pursuant to Mass. Gen. Laws Ch. 40, § 21D and § 35.05 of this code.

(F) Any person violating any other provision of this chapter shall be punished according to § 10.99 of this code.

[891668/WATR/0103](#)



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

Committee on Public Works

Councilor Piccirilli, Chair, Lisa Feltner, Vice Chair, Councilor Palomba, Secretary

Committee on Rules and Ordinances

Councilor Gannon Chair, Councilor Airasian, Vice Chair, Councilor Feltner, Secretary

Committee Report

November 14, 2023

The meeting took place on Monday, September 25 at 6:30 PM in the City Council Chambers on the second floor of City Hall. It was a hybrid meeting which allowed for the public to join via Zoom. It was also being recorded by Cable Access TV. The public was able to submit comments by email to apalomba@watertown-ma.gov.

Those attending included all the members of the Committee on Public Works and the Committee on Rules and Ordinances (see above) as well as City Council President Sideris and Councilor Gardner. Also attending were Steve Magoon, Assistant City Manager and Director of the Department of Community Development and Planning, Michael Albano, Zoning Code Enforcement Officer, and Andy Campagna from the Bicycle Pedestrian Committee. Joining on Zoom were Greg St. Louis, Superintendent of the Department of Public Works, Dean Martino, Susan Flint from Watertown for All Ages, Joan Gumbleton, and Cindy Wentz.

PLEASE NOTE: The meeting lasted nearly 3 hours and 30 minutes. The minutes represent an effort to report on key discussions and decisions. Please visit

<http://vodwcatv.org/CablecastPublicSite/show/2772?site=3> to view the full recording of the meeting.

The purpose of the meeting was to continue discussion in order to make recommendations on a Sidewalk Snow Shoveling Ordinance.

Councilor Piccirilli asked that the Committees refer to the Sidewalk Snow Shoveling Exemptions – Regulations for Watertown Ordinance draft dated 12/13/22 from the Administration (see the attachment). It should be noted that the Exemptions are appearing in the Regulations and not in the Ordinance because it allows for changes to be made based on new information without amending the Ordinance.

There are two major reasons for allowing an exemption –

- 1) The applicant must be over 65 years of age or have a disability
AND
- 2) be income eligible.

In addition “all members of the household or residential structure must qualify”.

(Please see the draft for specifics about income limits and proof of disability.)

There was also an exemption that the City Manager or designee could make for unusual or extenuating circumstances, such as corner lot where snow has been piled.

In response to a question about what exemptions other communities have in their snow shoveling ordinances, Mr. Magoon noted that Belmont only allows an exemption if the owner is going to be

absent for more than five days and that Newton does allow for exemptions based on hardship and health and based on financial or religious circumstances.

Discussion Among Members of the Committees

There was little discussion regarding the issue of age or disability, but significant discussion regarding the income requirement and the requirement that all members of the household or residential structure must also be over 65 years of age or have a disability AND be income eligible.

Regarding the income limits, there was a suggestion that an owner who is renting apartments may not be eligible for an exemption because they are running a business and therefore might not meet the income requirements. However it was pointed out that even if this is so the expenses of running a business may exceed the rental income and thus the owner may still qualify. It was suggested that the income limits be a combination of income and assets which is what the Assessor uses when determine if a senior qualifies for a tax exemption. Finally, there was the question of how “income” is calculated by HUD – is it total income or adjusted income. This discussion did not result in any changes to the draft Regulations.

There was more discussion regarding the requirement that all members of the household qualify for an exemption. During the discussion we learned that tenants are not responsible for shoveling any area rather it is the owner who is responsible, by state law, to clear the path between the house and the sidewalk and the driveway. The Ordinance would now make the owner also responsible for clearing the sidewalk in front of their property. We also learned that a personal care attendant cannot be considered a member of a household as they are usually an employee of an agency. In addition it was clarified that a condo association would be responsible for shoveling and would not be exempt and the association would be ticketed if the sidewalk was not cleared.

A key issue was whether anyone in the household, who does not qualify for the exemption, could be responsible for shoveling the sidewalk. For example, if a son or daughter is living with their mother who owns the property and who is 65 years of age or has a disability and meets the income limits, then there would be no exemption, since not everyone in the household qualifies.

Related was the concern of what is meant by “residential structure”. If a father and mother live on the first floor of a two family house and their daughter and her family live on the second floor, but do not pay rent, can the house be exempt. In such a situation, which is not usual, the property would not be exempt since the Regulations reads “All members of the household or residential structure must be qualified.” (Note: While there is a definition in the Ordinance for “small residential property”, there is no definition for “household” or “residential structure”.)

Eventually, Councilor Feltner made a motion to strike the words “or residential structure” from 1D which was seconded by Councilor Palomba. Following additional discussion and a statement by Councilor Gannon that his ultimate goal throughout the process is to make Watertown a more walkable city and that exemptions should not be given easily, the motion passed 4 in favor and 1 opposed, with Councilor Gannon voting against the motion.

The members of the Committees agreed to three additional changes to the Regulations.

- 1) Under Application – #4 the Committees agreed to add the Commission on Disabilities, the Watertown Police Department, and the Department of Public Works.
- 2) Under Application – #3 the Committees agreed to add the words “to be appointed by the Manager” at the end of the first sentence.
- 3) Under Application – #5 The Committees agreed to add the words “to household receiving an exemption” after the word, “assistance”.

Councilors Feltner and Gardner raised a concern about the narrowness of #2 under Application as it could be read to imply that applications can only be made in September and October and did not take into account a variety of possibilities such as someone became disabled after those dates. It was decided that the Administration could address these and other similar situations and that the intention was to get as many applications as possible submitted so a list of exempt properties could be developed and ready to be distributed to the departments listed above. It was noted that resident Cindy Wentz agreed with Councilors Gardner and Councilor Feltner that #2 was not clear and would be interpreted to mean applications were only accepted in September and October.

The discussion on the exemptions concluded and the Committees moved on to a number of specific questions that had been brought up at an earlier meeting.

1) The first question was addressed to the Administration regarding how exemptions would be managed, particularly where there is an exemption on a sidewalk that has a high volume of users or is on a busy road. Mr. Magoon spoke about the volunteer program through the Recreation Department and Senior Services, but noted that there are more requests for help than there are students to help. Another suggestion was to pay students but upon discussion with the Recreation Department it was determined that there are not a lot of students willing to work in the winter months during school. There was also consideration of hiring snow removal crews. However at this time the Administration has not approved spending money to shovel the walks of exempt properties, in part because there is no data yet on how many exemptions there will be. Continued discussion included the following suggestions:

- a) Estimate the cost of hiring crews based on the square footage that would need to be shoveled and the number of anticipated exempt properties.

- b) Appeal to neighbors to help those whose properties are exempt and possibly creating a “Help Your Neighbor” campaign.
- c) Call on the many civic groups in the City to have their members be responsible for a certain number of exempt properties.

Mr. Magoon offered that he would speak with the Administration and others and come up with a one-page statement about the approach that will be followed to address this particular problem and share it with the Committees.

2) The next question was about enforcement. After a discussion with the Committee members and Mr. Magoon there was consensus that:

- a) There should be a robust awareness/education campaign about the new Ordinance using the City’s social media platforms, the web pages of individual departments, and the outreach capacities of civic groups – Watertown Business Coalition, Watertown Community Foundation, etc.
- b) The City does not have the resources to actively look for those individuals who do not comply with the Ordinance and that enforcement will continue to be complaint driven.
- c) That the City’s main goal on all code-related issues is compliance not punishment.
- d) That it is possible to go through the first winter only issuing warnings except for those individuals who are continually in violation of the Ordinance.
- e) That the City, depending on the availability of staff, would re-inspect properties that have been issued a warning and if the walk has not been shoveled they would issue a ticket.
- f) Enforcement personnel hope to have hand-held devices that would produce the ticket at the location and would flag a property that has already been warned or ticketed. Presently this is not possible.
- g) The Administration will develop a one-page statement about how enforcement would work during the first year the Ordinance and share it with the Committees.

3) The next issue had to do with the shoveling of sidewalks abutting city property. We received a list of all bus stops and crosswalks cleared by the Department of Public Works as well as a list of school sidewalk routes that are cleared (see the attached lists and related memo from Superintendent St. Louis). Councilor Piccirilli noted that there are a significant number of sidewalks abutting city properties and asked how these walks would be cleared and what department would be responsible for doing it. He also was concerned about snow plow operators leaving large piles of snow on the corners and crosswalks of intersections. Superintendent St. Louis said that DPW does shovel the walks abiding city property but may not do it until a day or two after the snowfall. He also stated that if DPW was to shovel all the walks abiding City properties in the 24-hour period required by the Ordinance it would require more personnel and additional financial resources.

4) There was a discussion of properties that do not naturally abut a resident’s property (for example on Arsenal Street near Toyota), that are under the control of DCR (for example on Wheeler Street), and that are simply not tended to by DPW (for example on Cozy Street). The Committee agreed to request that DPW create memo that includes a complete inventory of all city-owned streets, state properties, and special situation such as the Arsenal Street example (above), prioritize the inventory based on factors such as level of use, offer a strategy of how to clear those priorities, and include an estimate of what resources would be needed to do so. There were two additional requests to this memo:

- a) Clarify and update two lists of sidewalks that DPW says are plowed – “Bus Stops and Crosswalks to be Cleared” and “School Sidewalk Routes”, and
- b) Address the problem of snow plow operators plowing corners of intersection in such a way that result with high piles of snow at the crosswalk and the corner of the intersection.

5) Councilor Gannon identified a mistake in the Ordinance in E under Section 96.99 Penalty such that 35.05 should read “36.06 of the code”.

6) Regarding a concern raised at the last meeting, it was stated that the opinion of the City’s attorney was that the word “anyone” that appears in Section 96.99(C) under Section 96.99 Penalty in the Ordinance does not need to be changed to “abutting property owner” (see the attached memo from KP Law).

Discussions of Motions

The Committees turned their attention to possible motions. The following motion was put forth by Councilor Feltner and was seconded by Councilor Gannon.

Three Part Motion/ACTION ITEM

- a) The Committees ask the Administration to have KP Law review the final draft of the proposed Ordinance.**
- b) The Committees ask the Council President to bring the proposed Ordinance forward for a first reading after the KP Law review.**
- c) The Committees ask the City Council to endorse the Regulations to the Ordinance.**

However before the vote on the Motion, we heard from resident Dean Martino who asked if he would be liable if someone was injured on the his sidewalk since he will now be responsible for shoveling it and could be ticketed if he does not. He was assured that he would not be liable. The liability rests with the property owner and the property under the sidewalk belongs to the City. He was also informed that he is responsible for clearing his sidewalk more than once if necessary within the 24-hour period and that he is not responsible for any damage to the sidewalk from salt he might use. Mr. Martino also asked whether students could fulfill their community service requirements by being part of the Recreation Department and Senior Services program that matches students with residents who need their sidewalks shoveled. He was told that this does happen. Finally, he pointed to the sidewalk on Main Street in front of Saltonstall Park that is not shoveled regularly.

The Committees also heard from Andy Campagna who was concerned about the probability that snow will not be removed from many of the exempt properties and that we need to manage our expectations and be prepared to address this problem. He further suggested that if the Committees are going to review the implementation of the Ordinance after the first year that the decision should be formalized. He was assured that a motion regarding revisiting the Ordinance will be presented tonight.

The Committees then voted in favor of the three-part Motion 5 – 0.

Councilor Feltner made a motion that was seconded by Councilor Palomba.

Motion/ACTION ITEM

The Committee on Public Works and the Committee on Rules and Ordinances shall review the data after the first winter but prior to May 30 to evaluate the results of the program and propose possible changes to the Ordinance and the Regulations.

Prior to voting on the motion there was a recommendation to include a date by when the data will be available and what data specifically should be required. The Committees agreed to add “but prior to

May 30” to the motion (see above). The Committees also felt confident that the Mr. Magoon understood the type of data that the Committees would need in order to properly evaluate the program.

The Motion passed 5 – 0.

Councilor Palomba made a motion that was seconded by Councilor Airasian.

Motion/ACTION ITEM

The Committees agreed to refer to the Committee on Public Works a discussion of the how the clearing of sidewalks abutting municipal and state own properties, as well as sidewalks in unusual situations, will be addressed; and a discussion of snow plowing at the corners of intersections.

The Motion passed 5 – 0.

Councilor Palomba made a motion to adjourn which was seconded by Councilor Gannon and was passed 5 – 0. The meeting adjourned at 9:53 PM.

The Minutes were prepared by Council Palomba

Sidewalk Snow Shoveling Exemptions

DRAFT: 12-13-22

Regulations for Watertown Ordinance, SUBCHAPTER II Snow and Ice Removal

§ 96.26 Removal of snow and ice on sidewalks by abutting property owners

Exemptions

1. The Watertown City Manager or designee (probably should name a designee) may exempt certain property owners who reside at an address within Watertown from the requirements of § 96.26 Removal of snow and ice on sidewalks by abutting property owners for one or more of the following reasons.
 - a. reasons of physical and financial limitations that prevent them from clearing snow from abutting sidewalks.
 - i. Applicants must be over the age of 65
OR have a disability
 - ii. AND be income eligible
 - b. Income limits are set at 50% of median household income as determined by HUD and updated from time to time. Acceptable proof of income includes a copy of SNAP EBT card, MassHealth Card, fuel assistance authorization, Watertown property tax exemption, or other income limited program, or your most recent tax return showing gross household income.
 - c. Proof of disability that would prevent snow removal activities includes information from a doctor or other health care provider, or SSDI documentation.
 - d. All members of the household or residential structure, must be qualified.
2. The City Manager or designee may also exempt property owners and properties from the requirements of § 96.26 for other unusual or extenuating circumstances including physical constraints of the specific property that make it unreasonably difficult to clear snow or for temporary circumstances that impact a property. This is for unique circumstances that are not found in other locations in the City.

Application

1. Application for Exemption is available online or from the Council on Aging. Call 617 972-6490.
2. Application can be made in the months of September and October of each year.
3. A denied application can be appealed to a Hearing Officer. A decision of the Hearing Officer is final.
4. Certified exemptions will be kept at the Council on Aging and the Zoning Office for enforcement.
5. The Recreation Department may be able to provide shoveling assistance, which is arranged on a first come first served basis.

HUD Income Limits 2021

Household size	1	2	3	4	5
Very Low Income (50% of median)	\$47,000	\$53,700	\$60,400	\$67,100	\$72,500

WATERTOWN DEPARTMENT OF PUBLIC WORKS
BUS STOPS AND CROSSWALKS TO BE CLEARED

ARLINGTON STREET

203 ARLINGTON STREET	CROSSWALK
NICHOLS & COOLIDGE HILL ROAD	CROSSWALK
ARSENAL	CROSSWALK

ARSENAL STREET

MILLER'S ALE HOUSE	BUS STOP / CROSSWALK
AT SARRIS AUTOMOTIVE	CROSSWALK
HOME DEPOT	CROSSWALK
RESIDENT INN MARRIOTT	BUS STOP / CROSSWALK
ACROSS FROM FRIENDLIES	BUS STOP
ACROSS FROM WATERTOWN MALL	BUS STOP
WATERTOWN MALL	CROSSWALK
NEXT TO OMNI FOODS	BUS STOP
ARSENAL MALL FRONT ENTRANCE	CROSSWALK
WATERTOWN MALL REAR ENTRANCES	CROSSWALK & OPEN CORNERS
AUTO ZONE	CROSSWALK
440 ARSENAL STREET	BUS STOP / CROSSWALK
SCHOOL STREET AT ARSENAL STREET	BUS STOP / CROSSWALK
TOYOTA OF WATERTOWN	BUS STOP
LOUISE	CROSSWALK EACH SIDE
BEECHWOOD	BUS STOP / CROSSWALK
187 ARSENAL	CROSSWALK
N BEACON PARK	BUS STOP
160 ARSENAL STREET	BUS STOP
IRVING STREET	BUS STOP / CROSSWALK
EDISON PLANT	BUS STOP
TAYLOR STREET (FIRESTONE)	CROSSWALK
AT SQUARE	CROSSWALK

GALEN STREET

AT SQUARE	CROSSWALK
NONANTUM	CROSSWALK
WATERTOWN ST	CROSSWALK
97 GALEN ST	BUS STOP
MORSE ST	CROSSWALK
BOYD ST	EACH BUS STOP

WATERTOWN DEPARTMENT OF PUBLIC WORKS

BUS STOPS AND CROSSWALKS TO BE CLEARED

BELMONT STREET

NEAR DUFF ST	BUS STOP AT EACH SIDE
TOWNLY ROAD	CROSSWALK
SYCAMORE STREET	CROSSWALK
CIRCUIT LANE	CROSSWALK
ORCHARD AND WAVERLEY	CROSSWALK
ORCHARD AND CARROLL	4 CORNERS

MT AUBURN STREET

17 MT AUBURN	BUS STOP
TAYLOR STREET	CROSSWALK
SUMMER STREET	CROSSWALK AT BUS STOP
PATTEN STREET	BUS STOP - EACH SIDE
IRVING STREET	CROSSWALK
133 MT AUBURN STREET	BUS STOP / CROSSWALK
COMMON STREET	CROSSWALK
195 MT AUBURN STREET	BUS STOP / CROSSWALK
WALNUT STREET	BUS STOP / CROSSWALK
254 MT AUBURN STREET	BUS STOP
271 MT AUBURN STREET	BUS STOP - EACH SIDE
305 MT AUBURN STREET	BUS STOP - EACH SIDE
348 MT AUBURN STREET	CROSSWALK
361 MT AUBURN STREET	BUS STOP - EACH SIDE
WINTHROP	BUS STOP / CROSSWALK
SCHOOL STREET	CROSSWALK
465 MT AUBURN STREET	BUS STOP
EACH BRANCH LIBRARY	CROSS WALK
535 MT AUBURN STREET	BUS STOP / CROSSWALK
ELTON AVE	CROSSWALK
7-11 MARKET	BUS STOP
TOWN DINER	BUS STOP
BIGELOW AVE	CROSSWALK
ARLINGTON STREET	CROSSWALK
705 MT AUBURN STREET (TUFTS BLDG)	BUS STOP / CROSSWALK
781 MT ABURN STREET	BUS STOP / CROSSWALK
805 MT AUBURN STREET	BUS STOP
CAMBRIDGE LINE	BUS STOP / CROSSWALK

WATERTOWN DEPARTMENT OF PUBLIC WORKS

BUS STOPS AND CROSSWALKS TO BE CLEARED

WATERTOWN STREET

194 WATERTOWN STREET	BUS STOP - EACH SIDE
STOP & SHOP ENTRANCE	CROSSWALK
HYBERNIANS	BUS STOP - EACH SIDE
FIFTH AVE	CROSSWALK
65 WATERTOWN STREET	BUS STOP
50 WATERTOWN STREET	BUS STOP
AT BUS STOP SHELTER NEXT TO RIVER	BUS STOP

MAIN STREET

ACROSS FROM LONGFELLOW RD	BUS STOP
ACROSS FROM EDWARD RD	BUS STOP
683 MAIN STREET	BUS STOP / CROSSWALK
MAIN STREET AT EVANS	BUS STOP
625 MAIN STREET	CROSSWALK AT BUS STOP
590 MAIN STREET	CROSSWALK AT BUS STOP
POLICE STATION	BUS STOP / CROSSWALK
MAIN STREET AT PILGRIM ROAD	CROSSWALK
476 MAIN STREET	BUS STOP
MAIN STREET AT LEXINGTON STREET	4 CROSSWALKS
MAIN STREET AT DUNKIN DONUTS	BUS STOP
E.C. SHAW (FRENCH STREET)	BUS STOP
MAIN STREET & WAVERLEY AVE	4 CROSSWALKS / BUS STOP
MAIN STREET AT WHITES AVE	BUS STOP
ST PATS	2 CROSSWALKS / BUS STOP
TOWN HALL	BUS STOP / CROSSWALK
POST OFFICE	CROSSWALK
ACROSS FROM FIRE DEPARTMENT	BUS STOP
85 MAIN STREET	CROSSWALK
MAIN STREET & CHURCH STREET	CROSSWALK
MAIN STREET & PLEASANT STREET	BUS STOP / CROSSWALK
WATERTOWN SQUARE	ALL CROSSWALKS & BUS STOPS
MAIN STREET AT MT AUBURN STREET	CROSSWALK

NORTH BEACON STREET

ALFRED	CROSSWALK
IRVING STREET	CROSSWALK
BEECHWOOD	CROSSWALK
LOGAN FURNITURE	CROSSWALK

SCHOOL SIDEWALK ROUTES

<u>STREET</u>	<u>AREA TO BE DONE</u>	<u>DONE</u>
WESTMINSTER AVE	SCHOOL SIDE , MAIN ST TO BANCROFT ST	
BANCROFT ST	SCHOOL SIDE, WESTMINSTER AVE TO WAVERLEY AVE	
WAVERLEY AVE	ONE SIDE, ORCHARD ST TO MAIN ST	
ORCHARD ST	ONE SIDE, COMMON ST TO LEXINGTON ST	
WARREN ST	ONE SIDE, WAVERLEY AVE TO TOWN LINE	
COMMON ST	ONE SIDE, ORCHARD ST TO COLUMBIA ST	
COMMON ST	BOTH SIDES, COLUMBIA ST TO MT AUBURN ST	
CARROLL ST	SCHOOL SIDE, ORCHARD ST TO LOWELL AVE	
LOWELL AVE	SCHOOL SIDE, CARROLL ST TO GEORGE ST	
YORK AVE	PARK SIDE	
GEORGE ST	SCHOOL SIDE, ORCHARD ST TO WILSON AVE	
BOYLSTON ST	SCHOOL SIDE, MT AUBURN ST TO CONCORD RD	
CONCORD RD	SCHOOL SIDE SIDE, FULL LENGTH	
CHAUNCEY ST	SCHOOL SIDE, CONCORD RD TO HANCOCK ST	
HANCOCK ST	SCHOOL SIDE, FULL LENGTH	
WINTHROP ST	SCHOOL SIDE, FULL LENGTH	
MAIN ST	BOTH SIDES, WATERTOWN SQ TO WALTHAM LINE AND AROUND DELTA AND BRIDGE	
NORTH BEACON ST	PERKINS SCHOOL SIDE, WATERTOWN SQUARE TO BEECHWOOD AVE	
MT AUBURN ST	BOTH SIDES, WATERTOWN SQUARE TO CAMBRIDGE LINE	
GALEN ST	BOTH SIDES, WATERTOWN SQUARE TO NEWTON LINE	
WATERTOWN ST	ONE SIDE, GALEN ST TO NEWTON LINE	
	SALTONSTALL / LINEAR PARK	
	MERCHANTS ROW	
FILLIPELLO PARK	GROVE ST TO ARLINGTON ST	
SULLIVAN PARK	MT AUBURN ST TO END OF PARK	

[Watertown] Snow Shoveling Ordinance - draft regulations

Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Mon, Sep 25, 2023 at 11:02 AM

To: "Gannon, John" <jgannon@watertown-ma.gov>, "Feltner, Lisa" <lfeltner@watertown-ma.gov>, John Airasian <jairasian@watertown-ma.gov>, "Palomba, Anthony" <apalomba@watertown-ma.gov>

FYI

From: St. Louis, Gregory <gstlouis@watertown-ma.gov>

Sent: Monday, September 25, 2023 10:40 AM

To: Magoon, Steve <smagoon@watertown-ma.gov>; Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>

Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>; Cookson, Michael <mcookson@watertown-ma.gov>

Subject: Re: Snow Shoveling Ordinance - draft regulations

1) The priority list of sidewalks and corners they clear.

Snow & Ice | Watertown, MA - Official Website (watertown-ma.gov)

Snow & Ice | Watertown, MA - Official Website

Information about snow and ice.

www.watertown-ma.gov

These are all detailed on the Snow and Ice webpage.

DPW clears and salts linear path from Church St to Waverly

(Gravel path at Howard does not get cleared as it is not paved)

(Commercial properties clear linear path School St to Irving St.

2) The priority list of city-owned properties they clear.

Property and Buildings clears and salts walkways at all school and municipal locations.

DPW opens up the parking lots and public sidewalks at the end of the storm and

salt all school parking lots and municipal parking lots.

3) The list of state-owned properties they clear.

MBTA: SHOULD clear the Bus Stops loading areas

DOT: SHOULD clear the bridge at Galen and bridge at Main

Plow Main Street Waltham to Bacon

DCR at the Square through Charles River Road to Brighton

DCR Nonantum from Galen to Newton
DCR /DOT to clear Arsenal @ Brighton Bridge
DCR /DOT to clear N. Beacon @ Brighton Bridge
DCR clears linear path from Arsenal Street to Cambridge

Greg

Gregory M. St. Louis, PE, LEED AP BD+C
Superintendent of Public Works
124 Orchard Street
Watertown, MA 02472
gstlouis@watertown-ma.gov
O: 617.972.6420 ext.13117

From: Magoon, Steve <smagoon@watertown-ma.gov>
Sent: Monday, September 25, 2023 10:16 AM
To: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>
Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>
Subject: RE: Snow Shoveling Ordinance - draft regulations

Both Tony Mancini and I will be attending. Thanks

From: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>
Sent: Monday, September 25, 2023 10:11 AM
To: Magoon, Steve <smagoon@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Mark R. Reich <mreich@k-plaw.com>
Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>
Subject: Re: Snow Shoveling Ordinance - draft regulations

Steve & Greg & Mark

The meeting is tonight at 6:30 pm <https://watertownma.portal.civicclerk.com/event/5411/files>

Mark: In the Committee report, we need KP Law to attend the meeting given that there were two requests for legal opinions made during the meeting and there could be more. Having KP Law present to render a ruling could save time and be more efficient. Can KP Law provide answers to the questions raised at the last meeting, in writing, for tonight's meeting? Can you confirm someone from KP Law will attend tonight?

Greg: In the Committee report, we requested that the Department of Public Works provide the following information:

- 1) The priority list of sidewalks and corners they clear.
- 2) The priority list of city-owned properties they clear.
- 3) The list of state-owned properties they clear.

Can you please provide answers in writing for tonight's meeting? Can you confirm someone from DPW will attend tonight?

Steve: I assume someone from DCDP will attend tonight also.

Let me know.

Thanks

Vinnie

From: Magoon, Steve <smagoon@watertown-ma.gov>

Sent: Tuesday, December 13, 2022 1:52 PM

To: Feltner, Lisa <lfeltner@watertown-ma.gov>; Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>

Cc: Mark R. Reich <mreich@k-plaw.com>; St. Louis, Gregory <gstlouis@watertown-ma.gov>; Proakis, George <gproakis@watertown-ma.gov>; Wiener, Laura <lwiener@watertown-ma.gov>; Schreiber, Gideon <gschreiber@watertown-ma.gov>

Subject: Snow Shoveling Ordinance - draft regulations

Councilors, attached is a draft of the regulations that tries to capture all of the discussion items identified at our last work session. I have also included both Mark Reich and Greg St. Louis on this, as you requested information from each of them when we hold our next meeting. For Mark you asked that he respond to the ability to lien properties for unpaid fines and that it may be beneficial for an attorney to attend the next work session. You also asked that DPW provide a priority list of the sidewalks, city properties, and any State property that we clear of snow. Let me know if there are any questions. Thanks

Steve Magoon

Acting Deputy City Manager, Director, Community Development and Planning

Watertown Administration Building

149 Main Street

Watertown, MA 02472

Office 617 972-6417

Cell 617 987-1136

When writing or responding, please remember that any email sent or received by an employee of the City of Watertown is subject to the Massachusetts Public Records Law (M.G.L. c. 66).

[Watertown] Snow Shoveling Ordinance - draft regulations

Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Mon, Sep 25, 2023 at 2:38 PM

To: "Gannon, John" <jgannon@watertown-ma.gov>, "Feltner, Lisa" <lfeltner@watertown-ma.gov>, John Airasian <jairasian@watertown-ma.gov>, "Palomba, Anthony" <apalomba@watertown-ma.gov>

FYI

From: Mark R. Reich <MReich@k-plaw.com>

Sent: Monday, September 25, 2023 12:28 PM

To: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>; Magoon, Steve <smagoon@watertown-ma.gov>; St. Louis, Gregory <gstlouis@watertown-ma.gov>

Cc: Proakis, George <gproakis@watertown-ma.gov>; Gannon, John <jgannon@watertown-ma.gov>; Sideris, Mark <msideris@watertown-ma.gov>

Subject: RE: Snow Shoveling Ordinance - draft regulations

Councilor –

I have reviewed the report from the joint meeting of the Committee on Public Works and the Committee on Rules and Ordinances held on October 17, 2022 which was attached to your e-mail. That report presented two questions for consideration by the City Attorney.

1. "Committee members indicated that they felt the draft did incorporate the changes. However, Councilor Piccirilli raised a concern about the wording in Section 96.99 Penalty (C), specifically whether the word "anyone" should be changed to "abutting property owner" so as to be consistent. There was a short discussion of the issue and a determination that KP Law should be consulted on how best to proceed."

Please note that §96.99(C) provides for enforcement of §96.26 of the Ordinance, which addresses the removal of snow and ice by private persons in the Business District. The provisions of §96.26 govern actions by private persons not limited to abutting property owners, stating in part, "Every person in charge or control of any building or lot of land within a business district and used for business purposes in the city fronting on or abutting a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice..." §96.26(B)(1)(a). Thus, enforcement may be taken against any "private person", which term is defined in §96.26 as "Every person, partnership, corporation, joint-stock company, or other entity, whether as owner, tenant, occupant, lessee, or other agent." In my opinion, this definition is broader than "abutting property owner" as it addresses individuals who may be in violation of the Ordinance and who are not abutting property owners. In my opinion, revisions would be required to §96.26 if the intent is to limit enforcement to "abutting property owner". Otherwise, in my opinion, the word "anyone" is appropriate as it addresses any private person violating the Ordinance. However, consideration may be given to amending the Ordinance to revise the references to "person" as it appears in §96.26 as the definition of "private person" includes but is broader than "person".

2. Returning to the issue of enforcement, there was a discussion about scofflaws, that is someone who refuses to pay their fines. The Committees requested an opinion of KP Law about adopting state regulations that would allow the City to put a lien on the property or apply the unpaid fees to the property owner's tax bill.

2.

The provisions of G.L. c. 40, §58 allow for the imposition of a "municipal charges lien" on property located within the City for any local charge or fee that has not been paid by the due date. This statute is subject to consideration by the

City Council, with the municipal charges lien for each type of charge or fee to be undertaken pursuant to a separate vote of the City Council. I have drafted an Order for consideration by the City Council which includes a variety of City charges for which municipal charges lien may be imposed based upon non-payment, including snow and ice enforcement charges. That Order appears on the agenda for the City Council meeting tomorrow night.

Please note that the below e-mail was the first notice I received of this meeting. Unfortunately, based upon this late notice and the pending Jewish holiday, I am unable to attend tonight's meeting. I hope that the above opinion addresses the issues being raised.

Thank you.

Mark

Mark R. Reich, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

mreich@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

[Quoted text hidden]

[Quoted text hidden]

Title XI Business Regulations

Chapter 117 Closed Captioning Activation

A. Purpose. The purpose of this ordinance is to expand accessible communication in places of public accommodation.

B. Definitions. When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

2. "Closed captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

3. "Public area" means any part of a public facility that is open to the general public.

4. "Public facility" shall have the same meaning as "place of public accommodation", as defined in G.L. c. 272, § 92A, and as used in G.L. c. 272, § 98, except as expressly limited by this Ordinance.

5. "Public entertainment venue" means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.

6. "Regular hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

C. Activating Closed Captioning.

1. Any person owning or managing a public facility in the City of Watertown must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.

2. Exception. -- This section does not require public entertainment venues to activate closed captioning on closed captioned television receivers.

3. This section does not require a public facility to make closed captioning available in a public area of the public facility if:

(a) no television receiver of any kind is available in the public area; or

(b) the only public television receiver available in the public area is not a closed-captioning television receiver.

4. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

D. Enforcement.

1. If a violation of Chapter 117 occurs, individuals can file a complaint with the City's ADA Coordinator.

2. The Commission on Disability shall work with the ADA Coordinator to help investigate complaints.

3. The ADA Coordinator and the Commission on Disability shall have the authority to investigate complaints brought forward, including but not limited to conducting unscheduled inspections of public facilities, holding mediation sessions with public facilities and other interested parties, and providing guidance for bringing public facilities into compliance.



28 State Street
Boston, MA 02109-1775
p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Kris Moussette
(617) 378-4194
kmoussette@hinckleyallen.com

January 4, 2024

George J. Proakis
City Manager
Administration Building
149 Main Street
Watertown, Massachusetts 02472

RE: Draft Loan Order – Saltonstall Field and Court Lighting Replacement Bonds

Dear George:

As requested, I suggest the following form of loan order to approve the borrowing of funds to pay costs of the Saltonstall Field and Court Lighting Replacement project:

ORDERED: That the sum of \$498,000 is appropriated to pay costs of improvements at Saltonstall Park, including the demolition and removal of existing lighting and furnishing of new Musco or other sports lighting and appurtenances, and further including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

The order must be published at least five days prior to the holding of a public hearing with respect to the order and its final passage and requires the affirmative vote of at least two-thirds of all members of the City Council, as in the case of any other loan order for bonds.

Please call me if there are any questions about the suggested proceedings.

Sincerely,

Kris A. Moussette



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: January 4, 2024

RE: Agenda Item – Proposed Loan Order

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works requesting that the necessary actions be taken to authorize the Treasurer to borrow the \$498,000 as outlined and approved in the FY 2019 Capital Improvement Program (CIP) budget for the Saltonstall Lower Park Improvements. Work on this project includes demolition and removal of existing lighting and furnishing new Musco sports lighting and appurtenances. This item implements conceptual recommendation #4 from the 2024-2028 CIP. While the intended \$300,000 for the FY 2019 CIP is not adequate to cover the project costs, adequate borrowing capacity is available and DPW staff will be prepared to discuss the additional funds required for this project.

I respectfully request the attached proposed Loan Order be placed on the January 9, 2023 City Council Agenda as a First Reading.

Thank you for your consideration in this matter.



28 State Street
Boston, MA 02109-1775
p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Kris Moussette
(617) 378-4194
kmoussette@hinckleyallen.com

January 4, 2024

George J. Proakis
City Manager
Administration Building
149 Main Street
Watertown, Massachusetts 02472

RE: Draft Loan Order – Saltonstall Field and Court Lighting Replacement Bonds

Dear George:

As requested, I suggest the following form of loan order to approve the borrowing of funds to pay costs of the Saltonstall Field and Court Lighting Replacement project:

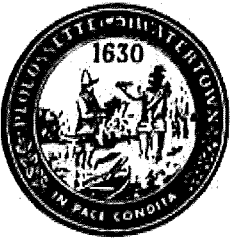
ORDERED: That the sum of \$498,000 is appropriated to pay costs of improvements at Saltonstall Park, including the demolition and removal of existing lighting and furnishing of new Musco or other sports lighting and appurtenances, and further including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

The order must be published at least five days prior to the holding of a public hearing with respect to the order and its final passage and requires the affirmative vote of at least two-thirds of all members of the City Council, as in the case of any other loan order for bonds.

Please call me if there are any questions about the suggested proceedings.

Sincerely,

Kris A. Moussette



CITY OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS

124 ORCHARD STREET

(P) 617-972-6420

(F) 617-972-6402

Gregory M. St. Louis, PE
Superintendent

TO: Mr. George Proakis - City Manager

FROM: Mr. Gregory St. Louis, PE - Superintendent of Public Works

DATE: January 2, 2024

RE: DPW / Rec. Department:
Loan Order Request for Saltonstall Lower Park Improvements

The Department of Public Works respectfully requests that the necessary actions be taken to authorize the Treasurer to borrow the \$498,000.00 as outlined and approved in the FY 2019 Capital Improvement Program (CIP) budget for the Saltonstall Lower Park Improvements. Work on this project includes demolition and removal of existing lighting and furnishing new Musco sports lighting and appurtenances.

These funds will be utilized for the construction, construction administration services and potential construction contingency costs associated with this project. As outlined in the enclosed letter from project engineering firm CDM-Smith, the \$498,000.00 will be utilized as follows:

Item	Amount	Remarks
Funding Request	\$498,000	Total Project
Lowest Responsible/ Responsive Bid Amount	\$398,000	Cullen Electrical Contractors
Construction Oversight	\$60,000	CDM Construction Services
Construction Contingency	\$40,000	10% of bid price

Renovation of the tot lot near the Boys and Girls Club has been separated from this project at this time based upon type of construction and budgeting. The City anticipates planning for the playground reconstruction in the near future in coordination with other playground CIP items.

Thank you in advance for your consideration.



75 State Street, Suite 701
Boston, Massachusetts 02109
tel: 617 452-6000

January 2, 2024

Mr. Gregory M. St. Louis, PE, LEED AP BD+C
Superintendent of Public Works
124 Orchard Street
Watertown, Massachusetts 02472

Subject: Project Funding Recommendation Letter
Saltonstall Field and Court Lighting Replacement Project

Dear Mr. St. Louis:

On December 20, 2023, at 11:00 AM, in the Lower Hearing Room of Watertown City Hall, public bids were received and read publicly aloud by the City of Watertown Purchasing Department for the above referenced project. The bid prices received were as follows:

Bidder	Bid Amount
Cullen Electrical Contractors, Inc.	\$398,000
Coviello Electric and General Contracting Co., Inc.	\$398,900
Dagle Electrical Construction Corp.	\$517,715

These results indicate that Cullen Electrical Contractors, Inc. is the apparent low bidder. Based on CDM Smith's own experience with Cullen Electrical Contractors, Inc. for the Watertown Parks Electrical Service Upgrade, completed in 2017, and our discussion with their additional references, we recommend the City of Watertown award the Saltonstall Field and Court Lighting Replacement Project to Cullen Electrical Contractors, Inc., in the amount of \$398,000. The project has no bid alternates listed.

We recommend the City add and carry a \$40,000 construction contingency, approximately 10% of the bid price to cover unanticipated costs that may arise during construction.

We recommend the City add and carry \$60,000 for Engineering Services during construction.

We recommend the total project be funded in the amount of \$498,000, per the following breakdown:





Mr. Gregory M. St. Louis, PE, LEED AP BD+C

January 2, 2024

Page 2

Item	Amount	Remarks
Funding Request	\$498,000	Total Project
Construction Bid Amount	\$398,000	Cullen Electrical Contractors Low Bid
Construction Administration/ Construction Services	\$60,000	CDM Smith Services during construction
Construction Contingency	\$40,000	10% of bid price

If you have any questions or require further clarifications, feel free to contact us.

Sincerely,

Glenn D. Howard, RLA

Associate

CDM Smith Inc.

cc: Scott Landgren, RLA – CDM Smith
George Proakis– City of Watertown – City Manager
Tom Watkins– City of Watertown – Director of Administration & Finance
Peter Centola – City of Watertown – Director of Recreation
Steve Magoon – City of Watertown – Community Development and Planning Director
Bryan Wyncoop – City of Watertown – Purchasing Agent



City Council
CITY OF WATERTOWN

ADMINISTRATION BUILDING – WATERTOWN, MA 02472-4410
(617) 972-6470 – FAX (617) 972-6485

ORDER #

O-2024-

An Order Relative to a Private Way Easement Agreement (66 Galen Street), a Highway Easement Agreement (66 Galen Street), a Highway Easement Agreement (51-57 Water Street) and a Public Parks Easement (66 Galen Street) to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute the Easements on Behalf of the City

WHEREAS, Galen Street Owner, LLC is developing property located at 66 Galen Street, Watertown, and, in connection with certain zoning approvals granted by the Zoning Board of Appeals in Case Number ZBA 2020-22-SP/SR, the developer or its affiliate agreed as follows:

- A. To support the City’s multimodal transportation goals by allowing vehicular (including MBTA buses) and pedestrian access and the placement of utilities within a private right of way, to be known as Technology Way, located between Water Street and Galen Street, as set forth in a **Grant of Easement (Private Way Easement Agreement) (66 Galen Street, Watertown, MA)**; and
- B. To grant a highway easement for the purposes of the operation, maintenance, repair and replacement of sidewalks, crosswalks, ramps, street lights, landscaping, bus shelters, inspector booths, street signs, traffic control lights and signs and fire hydrants and related facilities, as set forth in a **Grant of Easement (Highway Easement Agreement) (66 Galen Street, Watertown, MA)**; and
- C. To grant a highway easement for the purposes of the operation, maintenance, repair and replacement of sidewalks, crosswalks, ramps, street lights, landscaping, bus shelters, inspector booths, street signs, traffic control lights and signs and fire hydrants and related facilities, as set forth in a **Grant of Easement (Highway Easement Agreement) (51-57 Water Street, Watertown, MA)**; and
- D. To grant a public parks easement for all purposes for which public parks are lawfully used in the City of Watertown, including, without limitation, public rest, recreation, enjoyment and assembly, as set forth in a **Grant of Easement (Public Parks Easement) (66 Galen Street, Watertown, MA)**.

NOW THEREFORE BE IT ORDERED: That the City Council agrees, in connection with the development of 66 Galen Street by Galen Street Owner, LLC to accept easements as set forth in the aforesaid documents.

AND FURTHER, that the City Council hereby authorizes the City Manager to accept and execute the aforesaid easements on behalf of the City.

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 _____, 2024.

Brendan McCarthy, Council Clerk

Mark S. Sideris, Council President

January 4, 2024

Katharine Lord Klein
kklein@k-plaw.com

BY ELECTRONIC MAIL ONLY (GProakis@watertown-ma.gov)

Mr. George Proakis, City Manager
Watertown Administration Building
149 Main Street
Watertown, MA 02472

Re: 66 Galen Street (Easements)

Dear Mr. Proakis:

I am writing to you regarding the conveyance to the City of Watertown of easements related to the development of property at 66 Galen Street.

Galen Street Owner, LLC is developing the property at 66 Galen Street, and, in connection therewith, was granted certain zoning approvals by the Zoning Board of Appeals in Case Number ZBA 2020-22-SP/SR. Galen Street Owner, LLC and its affiliate, the owner of the property at 51-57 Water Street, have agreed to grant four separate easements, as follows:

- A. To support the City's multimodal transportation goals by allowing vehicular (including MBTA buses) and pedestrian access and the placement of utilities within a private right of way, to be known as Technology Way, located between Water Street and Galen Street, as set forth in a **Grant of Easement (Private Way Easement Agreement) (66 Galen Street, Watertown, MA)**; and
- B. To grant a highway easement for the purposes of the operation, maintenance, repair and replacement of sidewalks, crosswalks, ramps, street lights, landscaping, bus shelters, inspector booths, street signs, traffic control lights and signs and fire hydrants and related facilities, as set forth in a **Grant of Easement (Highway Easement Agreement) (66 Galen Street, Watertown, MA)**; and
- C. To grant a highway easement for the purposes of the operation, maintenance, repair and replacement of sidewalks, crosswalks, ramps, street lights, landscaping, bus shelters, inspector booths, street signs, traffic control lights and signs and fire hydrants and related facilities, as set forth in a **Grant of Easement (Highway Easement Agreement) (51-57 Water Street, Watertown, MA)**; and
- D. To grant a public parks easement for all purposes for which public parks are lawfully used in the City of Watertown, including, without limitation, public rest, recreation, enjoyment and assembly, as set forth in a **Grant of Easement (Public Parks Easement) (66 Galen Street, Watertown, MA)**.

Attached to each Grant of Easement is the plan showing the Easement Area.

The Department of Community Development and Planning has reviewed these easement documents, and approves the same.

I recommend that the City Council vote to approve the enclosed Grants of Easements and authorize the City Manager to execute the documents. I have provided a proposed Order.

Please contact Mark Reich or me with any questions regarding this matter.

Very truly yours,



Katharine Lord Klein

KLK/caa

Enc.

cc: Department of Community Development and Planning (SMagoon@watertown-ma.gov)

891872/WATR/0018

GRANT OF EASEMENT
(PUBLIC PARKS EASEMENT)
(66 GALEN STREET, WATERTOWN, MA)

This **GRANT OF EASEMENT** ("Grant") is entered into as of the ____ day of _____, 2024 by and between **Galen Street Owner, LLC**, a Delaware limited liability company ("Grantor"), having a mailing address of c/o Boston Development Group, 93 Union Street, Newton , Massachusetts 02459, and the **City of Watertown**, a Massachusetts municipal association ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

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

A. Grantor is the owner of those certain parcels of land located in the City of Watertown, Middlesex County, Massachusetts commonly known and numbered as 66 Galen Street, Watertown, and more particularly described in that certain Quitclaim Deed recorded with the Middlesex South Registry of Deeds (the "Registry") in Book 77347, Page 59 respectively (collectively, the "Grantor Parcel").

B. In connection with certain zoning approvals granted to Grantor's affiliate by the Zoning Board of Appeals of the City of Watertown ("ZBA") on January 27, 2021 in Case Number ZBA-2020-22 SP/SR, which zoning approvals were granted in connection with the Grantor's affiliate's development of the Grantor Parcel (the "ZBA Decision") and run with the land, Grantor's affiliate committed to create for the use of the public two (2) publicly accessible parks located on those portions of the Grantor Parcel shown as the "North Park Easement Area" and the "Sloping Park Easement Area" on Sheet 1 of that certain plan of land, with respect to Lot 1A in Watertown, Massachusetts, dated March 22, 2022 and revised September 21, 2023, prepared by VHB, Inc., which plan (the "Plan") is recorded with the Registry herewith as Plan _____ of 2024. Sheet 1 is entitled "Lot 1A, Public Parks Easement Plan in Watertown, Massachusetts." A true and accurate copy of Sheet 1 is attached hereto as Exhibit A. The above public park easement areas are hereinafter referred to singly as the "Public Park Easement Area" and collectively as the "Public Park Easement Areas." A legal description of each Public Park Easement Area is set forth in Exhibit B attached hereto. The ZBA Decision is recorded in the Registry in Book 77157, Page 268.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Public Park Easements from Grantor to the City. Grantor hereby grants to the City, and to the general public, subject to the terms hereof, the perpetual non-exclusive right and easement (the "Public Park Easements"), in common with the Grantor, to use the Public Park Easement Areas for all purposes for which public parks are lawfully used in the City of Watertown, including, without limitation, public rest, play, recreation, enjoyment, and assembly.

The Public Park Easements shall not be deemed to include any rights for motor vehicles, motorcycles, or other motorized transportation devices, except for any mobility device (as that term is defined hereinafter), to pass or repass on, across or over the Public Park Easement Areas. The term "mobility device," as used in this instrument, means a wheelchair, crutch, cane, walker, or other device, both motorized and non-motorized, that functions similarly to allow an injured or disabled person increased mobility for travel. Additionally, the Public Park Easements shall not be deemed to include a right to park bicycles (except where authorized through the appropriate location of a bike storage rack or rental docking station) or motor vehicles, motorcycles, or other motorized or non-motorized transportation devices within the Public Park Easement Areas at any time. Grantor has the obligation, at its sole cost and expense, to construct, install and plant within the Public Park Easement Areas the initial improvements to the Public Park Easement Areas required by the City in the ZBA Decision. Further, the City and/or any member of the public shall not (i) place within any Public Park Easement Area any obstructions or (ii) construct or place any structures or other improvements within any Public Park Easement Area. The exercise of the Public Park Easements by the City and/or the public shall not unreasonably interfere with Grantor's use of the Grantor Parcel, as set forth in Paragraph 2 below.

2. Reserved Rights. The Pubic Park Easements hereby conveyed does not grant to the City or the public any rights on, across or over any portion of the Grantor Parcel other than the Public Park Easement Areas. Grantor reserves the right to continue to use the Public Park Easement Areas in a manner that does not materially interfere with the Public Park Easements.

3. Release. It is the intention of the parties that access to the Public Park Easement Areas shall be used for recreational purposes and shall be free of charge or fee and that to the fullest extent permitted by law, the Public Park Easements constitute an “interest in land” under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections), and that Grantor and all those claiming by, through or under Grantor, shall be afforded all of the rights, protections, privileges and benefits granted thereunder, and as such, Grantor and all those claiming by, through or under Grantor, shall not be liable for personal injuries or property damage sustained by members of the public in connection with the rights granted hereunder including, without limitation, a minor or any other person on the Public Park Easement Areas. In the exercise of the easement rights created hereunder, City and those claiming by, through or under City (including without limitation, City’s employees, agents and contractors) (the “City Parties”), shall do so at their own risk, except as expressly provided herein. Grantor, its consultants, contractors, agents, licensees or invitees, and its affiliates, managers, members, partners, officers, directors, stockholders, attorneys, employees, predecessors, successors and assigns shall be free from all liability and claims for damages, together with all related costs, arising out of, related to or in connection with the exercise by City or City Parties of the rights granted hereunder, including but not limited to any such liability and/or claims with respect to release of any Hazardous Substances (as defined in this Section 3) regulated by or noncompliance with any Environmental Laws (as defined in this Section 3) caused by or related to City’s or City Parties’ exercise of the rights granted under this Agreement. The term “Environmental Laws” includes without limitation the Resource Conservation and Recovery Act, 42 USC Sections 6901 et seq., and the Comprehensive Environmental Response Compensation and Liability Act, 42 USC Sections 9602 et seq., and

other federal laws governing the environment as in effect on the date of this Grant together with their implementing regulations and guidelines and all state, regional, county, municipal and other local laws, regulations and ordinances that are similar to such federal laws or that regulate Hazardous Substances. The term "Hazardous Substances" includes petroleum, asbestos, lead, radon, mold, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas or such synthetic gas), and any substance, material, waste, pollutant or contaminant listed or defined as hazardous or toxic under any Environmental Law.

The City shall neither be liable for damages arising from the violation of any Environmental Laws with respect to the Public Park Easement Areas nor from the presence or release of Hazardous Substances with respect to the Public Park Easement Areas, in each instance arising from the negligent or intentional acts of the Grantor or the presence or release of Hazardous Substances existing or occurring prior to the date of this Grant (except to the extent exacerbated by the City).

4. Performance of Work. The Grantor shall be responsible, at its sole cost and expense, for the maintenance, repair and replacement of the park and park improvements located in the Public Park Easement Areas, including, without limitation, all paths, walkways, trails, steps, stages, benches, kiosks, wheelchair ramps, lights, landscaping, signs, and other customary park facilities, including all appurtenances to the foregoing improvements. The Grantor's maintenance, repair, and replacement responsibilities include, inter alia, snow removal from paths, mowing of grass, and trimming of trees. Any construction, maintenance or replacement work to be performed by the Grantor within any Public Park Easement Area shall be

performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and regulations.

5. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, pandemic, work stoppages arising out of collective bargaining strikes, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.

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

8. Notice. Any notice hereunder shall be given in writing to the party for whom it is intended, in person/via courier, by certified mail-return receipt requested, or by a

recognized expedited overnight delivery service, at the following address, or such future address as may be designated by notice in writing:

If to Grantor, addressed to:
Galen Street Owner LLC
c/o Boston Development Group
93 Union Street
Newton, MA 02459
Attention: Manager

With a copy to:
Galen Street Owner, LLC
c/o The Davis Companies
125 High Street, #2111
Boston, MA 02110
Attention: General Counsel

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

9. Estoppel Certificate. Each party shall, without charge and from time to time, deliver within twenty (20) days of written request by the other party, a certificate (addressed to the requesting party and/or its potential lenders, tenants and purchasers) with respect to the status of this Grant and each party's obligations thereunder.

10. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants, easements and other encumbrances of record, whether now or hereafter existing, to the extent in force and applicable.

11. Authority. Each party hereto hereby represents and warrants to the other parties that (i) the person executing and delivering this Agreement on behalf of such party has been duly authorized by all requisite action, and (ii) when fully executed and delivered, this

Agreement shall constitute the binding agreement of such party, enforceable in accordance with its terms.

12. Attorneys' Fees and Costs. In the event any party is required to resort to litigation to enforce its rights under this Agreement, the prevailing party in such litigation will be entitled to collect from the other party all costs, expenses and attorneys' fees (including the fees of any in-house legal staff of any party or their affiliates) incurred in connection with such action.

13. Waiver of Jury Trial. Each party acknowledges and agrees it hereby irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any litigation directly or indirectly arising out of the agreements delivered in connection herewith or the transactions contemplated hereby or thereby. Each party certifies and acknowledges that (a) no representative, agent or attorney or any other person has represented, expressly or otherwise, that such other person would not, in the event of litigation, seek to enforce such waivers, (b) it understands and has considered the implications of such waivers, (c) it makes such waivers voluntarily, and (d) it has been induced to enter into this Agreement by, among other things, the mutual waivers and certifications in this Section 13.

14. No Third Party Beneficiaries. This Agreement is entered into for the exclusive benefit of the parties hereto and the parties expressly disclaim any intent to benefit anyone not a party hereto.

15. Governing Law. This Grant shall be governed by the laws of the Commonwealth of Massachusetts, as the same may now exist or as may be hereinafter enacted. If any provision of this Grant, or portions thereof, or the application thereof to any person or

circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Grant, or the application of such provision, or portion thereof, to any other person or circumstances shall not be affected thereby, and such provision of this Grant shall be valid and enforceable to the fullest extent permitted by law.

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

[Signatures on the Following Pages]

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

GRANTOR:

Galen Street Owner, LLC,
A Delaware limited liability company

By: _____

Name:

Title:

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____ ss.

On this ____ day of _____, 2024 before me, the undersigned notary public, personally appeared, a _____ of Galen Street Owner, LLC, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity.

Notary Public

My commission expires: _____

[City signatures on next page]

ACCEPTANCE OF EASEMENT

On this ____ day of _____, 2024, the City of Watertown, acting by and through its City Manager pursuant to the vote taken by the City Council on _____, 2024, a certified copy of which is attached hereto as Exhibit C, hereby accepts the Public Park Easements contained in the foregoing Grant of Easement granted to the City by Grantor, which is recorded herewith.

CITY:

CITY OF WATERTOWN

Name: George Proakis
Title: City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

Name:
Title: City Attorney

ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared George Proakis, the City Manager of the CITY OF WATERTOWN, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

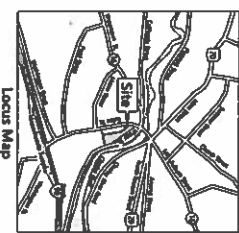
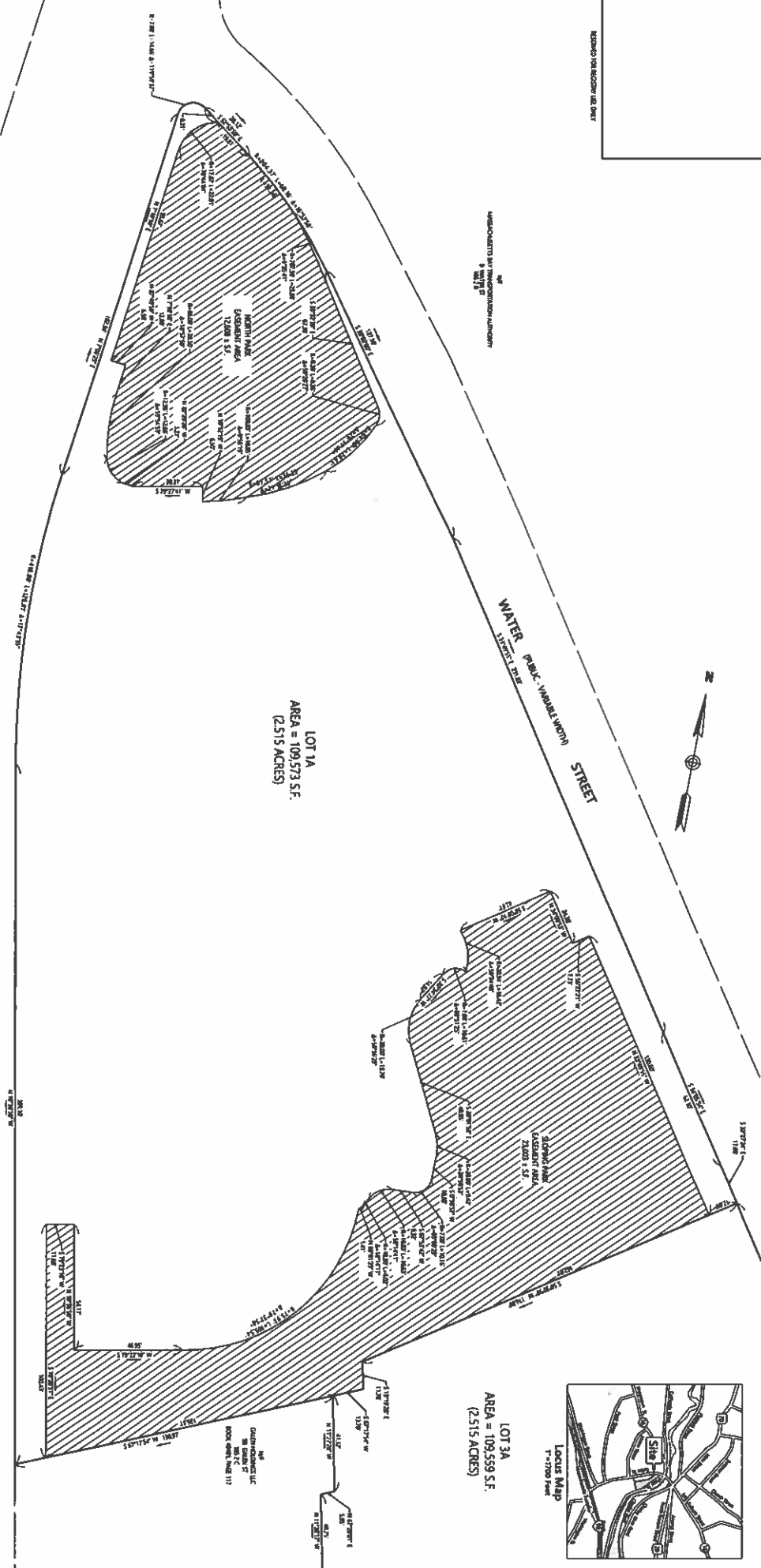
Notary Public
My commission expires: _____

EXHIBIT A
PLAN OF PUBLIC PARK EASEMENT AREAS



RECORD FOR RECORDING USE ONLY

MASSACHUSETTS NOT TRANSDISCIPLINARY AUTHORITY
9 MAR 17



LOCUS MAP
T-7700 SCALE

LOT 3A
AREA = 109,559 S.F.
(2.515 ACRES)

LOT 1A
AREA = 109,573 S.F.
(2.515 ACRES)

GALEN 150th COUNTY LAYOUT - 70' WIDE STREET

ALDRICH ROAD

UNION STREET



Certification

I, the undersigned, being duly sworn, depose and certify that the above and foregoing is a true and correct copy of the original map and plan as the same were filed for record in the office of the Registrar of Deeds for the County of Franklin, Massachusetts, and that the same were filed for record on the 17th day of March, 2017, at the County Office in the City of Springfield, Massachusetts.

NOTARIAL PUBLIC
JOHN J. HARRIS
NOTARY PUBLIC
MASSACHUSETTS

LOT 1A
PUBLIC PARKS EASEMENT PLAN
IN
WATERTOWN
MASSACHUSETTS

PREPARED FOR: GALLEN STREET OWNERS, LLC

PREPARED BY: VNA, INC.
Engineers | Scientists | Planners | Designers
1000 Main Street, Suite 110
Watertown, MA 02471-9151
(617) 924-1770

DATE: MARCH 22, 2013
REVISION: SEPTEMBER 21, 2013

SCALE: 1" = 20' FEET
SHEET 1 OF 3

Record Owner Lot 1A
GALLEN STREET OWNERS, LLC
1000 MAIN STREET
SUITE 110
WATERTOWN, MA 02471-9151

General Notes

1) THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED UPON AN ACADEMIC SURVEY CONDUCTED BY VNA, INC. IN MARCH, 2013. ANY AND ALL DISCREPANCIES BETWEEN THIS MAP AND THE ACTUAL PROPERTY LINES SHALL BE THE RESPONSIBILITY OF THE OWNER.

2) THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED UPON AN ACADEMIC SURVEY CONDUCTED BY VNA, INC. IN MARCH, 2013. ANY AND ALL DISCREPANCIES BETWEEN THIS MAP AND THE ACTUAL PROPERTY LINES SHALL BE THE RESPONSIBILITY OF THE OWNER.

EXHIBIT B

LEGAL DESCRIPTION OF PUBLIC PARK EASEMENT AREAS

Legal Description Sloping Park Easement Area

A certain Easement situated in the Town of Watertown, the County of Middlesex, and in the Commonwealth of Massachusetts being shown as Sloping Park Easement Area on a plan entitled "Lot 1A Public Parks Easement Plan in Watertown Massachusetts Prepared for Galen Street Owner LLC" Sheet 1 of 3, Scale: 1"=20', Dated March 22, 2023, revised September 21, 2023 and prepared by Vanasse Hangen Brustlin, Inc. bounded and described as follows:

Beginning at a point on the dividing line of Lot 1A and Lot 3A, said point being S 56°30'50" W a distance of twelve and eighty five hundredths feet (12.85') from the southwesterly sideline of Water Street; thence

N 33°49'55" W	a distance of One Hundred Thirty and Sixty Hundredths feet (130.60') to a point; thence
S 56°27'21" W	a distance of Seven and Seventy-Three Hundredths feet (7.73') to a point; thence
N 34°09'53" W	a distance of Twenty-Four and Thirty Hundredths feet (24.30') to a point; thence
S 56°08'10" W	a distance of Forty-Two and Sixty One Hundredths feet (42.61') to a point; thence
Southerly	and curving to the right along the arc of a curve having a radius of Twenty and Ninety-Four Hundredths feet (20.94'), a length of Eighteen and Forty-Two Hundredths feet (18.42') and a chord length of Seventeen and Eighty-Four Hundredths feet (17.84') with a chord bearing of S 18°06'15" E to a point; thence
westerly	and curving to the left along the arc of a curve having a radius of Seven and Zero Hundredths feet (7.00'), a length of Ten and Sixty-One Hundredths feet (10.61') and a chord length of Nine and Sixty-Two Hundredths feet (9.62') with a chord bearing of S 74°00'09" W to a point; thence
S 30°34'27" W	a distance of Fourteen and Ninety-Two Hundredths feet (14.92') to a point; thence
southerly	and curving to the left along the arc of a curve having a radius of Twenty and Zero Hundredths feet (20.00'), a length of Nineteen and Seventy-Six Hundredths feet (19.76') to a point; thence
S 26°01'56" E	a distance of Forty and Ninety-Five Hundredths feet (40.95') to a point; thence
Southerly	and curving to the right along the arc of a curve having a radius of Twenty and No Hundredths feet (20.00'), a length of Nine and Forty-Two Hundredths feet (9.42') to a point; thence
S 00°56'57" W	a distance of Ten and Sixty-Nine Hundredths feet (10.69') to a point; thence
southwesterly	and curving to the right along the arc of a curve having a radius of Seven and Zero Hundredths feet (7.00'), a length of Ten and Sixteen Hundredths feet (10.16') and a chord length of Nine and Twenty-Nine Hundredths feet (9.29') with a chord bearing of S 46°18'58" W to a point; thence

S 87°53'42" W	a distance of Nine and Thirty-Two Hundredths feet (9.32') to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of Ten and Eighty-Three Hundredths feet (10.83'), a length of Ten and Sixty-Three Hundredths feet (10.63') and a chord length of Ten and Twenty-One feet (10.21') with a chord bearing of S 58°38'54" W to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of Eighteen and Ninety Hundredths feet (18.90'), a length of Six and Two Hundredths feet (6.02') and a chord length of Five and Ninety-Nine Hundredths feet (5.99') with a chord bearing of S 22°36'18" W to a point; thence
N 89°01'23" W	a distance of One and Forty-One Hundredths feet (1.41') to a point; thence
southwesterly	and curving to the right along the arc of a curve having a radius of Seventy-Five and Ninety-Three Hundredths feet (75.93'), a length of One Hundred Five and Fifty-Four Hundredths feet (105.54') and a chord length of Ninety-Seven and Twenty-Five Hundredths feet (97.25') with a chord bearing of S 40°47'28" W to a point; thence
S 79°23'10" W	a distance of Forty-Six and Ninety-Five Hundredths feet (46.95') to a point; thence
N 10°36'50" W	a distance of Fifty-Four and Seventeen Hundredths feet (54.17') to a point; thence
S 79°23'10" W	a distance of Eleven and Sixty-Eight Hundredths feet (11.68') to a point; thence
S 10°28'31" E	a distance of One Hundred and Forty-Three Hundredths feet (100.43') to a point; thence
N 67°17'54" E	a distance of One Hundred Twenty-Six and Fifty One Hundredths feet (126.51') by land now or formerly Galen Holdings LLC to a point; thence
N 67°17'54" E	a distance of Thirteen and Seventy Hundredths feet (13.70') to a point; thence
N 13°19'28" W	a distance of Eleven and Seventy-Six Hundredths feet (11.76') to a point; thence
N 56°30'50" E	a distance of One Hundred Sixty-Two and One Hundredths feet (162.01') to the point of beginning, the last three (3) courses by Lot 3A.

said Easement containing 23,003 square feet or 0.528 acres more or less.

Legal Description North Park Easement Area

A certain Easement situated in the Town of Watertown, the County of Middlesex, and in the Commonwealth of Massachusetts being shown as North Park Easement Area on a plan entitled "Lot 1A Public Parks Easement Plan in Watertown Massachusetts Prepared for Galen Street Owner LLC" Sheet 1 of 3, Scale: 1"=20', Dated March 22, 2023, revised September 21, 2023 and prepared by Vanasse Hangen Brustlin, Inc. bounded and described as follows:

Beginning at a point on the northwesterly sideline of Water Street, being S 52°53'58" E a distance of eight and thirty one hundredths feet (8.31') from the rounding at the intersection with the easterly sideline of Galen Street; thence

S 52°53'58" E	a distance of Nineteen and Eighty-One Hundredths feet (19.81') to a point; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of Two Hundred Four and Thirty-Seven Hundredths feet (204.37'), a length of Thirty One and Thirty-Six Hundredths feet (31.36') to a point; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of Two Hundred Seven and Fifty Hundredths feet (207.50'), a length of Twenty-Three and Eighty-Eight Hundredths feet (23.88') and a chord length of Twenty-Three and Eighty-Seven Hundredths feet (23.87') with a chord bearing of S 36°50'30" E to a point; thence
S 33°32'39" E	a distance of Sixty-Seven and Thirty-Eight Hundredths feet (67.38') to a point; thence
Southerly	and curving to the right along the arc of a curve having a radius of Eight and Twenty Hundredths feet (8.20'), a length of Eight and Thirty-Six Hundredths feet (8.36') and a chord length of Eight and One Hundredth feet (8.01') with a chord bearing of S 04°14'48" E to a point; thence
Southwesterly	and curving to the right along the arc of a curve having a radius of Sixty-Four and No Hundredths feet (64.00'), a length of Twenty-Nine and Sixty-Three Hundredths feet (29.63') and a chord length of Twenty-Nine and Thirty-Seven Hundredths feet (29.37') with a chord bearing of S 37°21'55" W to a point; thence
Southwesterly	and curving to the right along the arc of a curve having a radius of Ninety-Seven and Fifty-Seven Hundredths feet (97.57'), a length of Thirty-Six and Twenty-Three Hundredths feet (36.23') and a chord length of Thirty-Six and Three Hundredths feet (36.03') with a chord bearing of S 61°11'43" W to a point; thence
Westerly	and curving to the right along the arc of a curve having a radius of One Hundred Eight and Eighty-Three Hundredths feet (108.83'), a length of Eighteen and Eighty-Five Hundredths feet (18.85') and a chord length of Eighteen and Eighty-Two Hundredths feet (18.82') with a chord bearing of S 73°51'04" W to a point; thence
N 10°32'19" W	a distance of Six and Fifty Hundredths feet (6.50') to a point; thence

S 79°27'41" W	a distance of Thirty and Thirty-One Hundredths feet (30.31') to a point; thence
N 82°29'28" W	a distance of Five and Twenty-Seven Hundredths feet (5.27') to a point; thence
Northwesterly	and curving to the right along the arc of a curve having a radius of Twelve and Ninety-Six Hundredths feet (12.96'), a length of Twelve and Sixty-Five Hundredths feet (12.65') and a chord length of Twelve and Fifteen Hundredths feet (12.15') with a chord bearing of N 42°57'16" W to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of Eighty-Six and Nine Hundredths feet (86.09'), a length of Twenty-Eight and Fifty Hundredths feet (28.50') and a chord length of Twenty-Eight and Thirty-Seven Hundredths feet (28.37') with a chord bearing of N 02°16'19" W to a point; thence
N 07°10'10" E	a distance of Twelve and Eighty-Nine Hundredths feet (12.89') to a point; thence
N 82°49'50" W	a distance of Six and Fifty Hundredths feet (6.50') to a point; thence
N 07°10'10" E	a distance of Ninety-Five and Sixty Seven Hundredths feet (95.67') to a point; thence
Northeasterly	and curving to the right along the arc of a curve having a radius of Seventeen and Eighty-Two Hundredths feet (17.82'), a length of Twenty-Two and One Hundredths feet (22.01') and a chord length of twenty and sixty-three hundredths feet (20.63') with a chord bearing of N 44°59'35" E to the point of beginning.

said Easement containing 12,608 square feet or 0.289 acres more or less.

EXHIBIT C
CITY COUNCIL VOTE

GRANT OF EASEMENT
(PRIVATE WAY EASEMENT AGREEMENT)
(66 GALEN STREET, WATERTOWN, MA)

This GRANT OF EASEMENT ("Grant") is entered into as of the ____ day of _____, 2024 by and between Galen Street Owner, LLC, a Delaware limited liability company ("Grantor"), having a mailing address of c/o Boston Development Group, 93 Union Street, Newton , Massachusetts 02459, and the City of Watertown, a municipal corporation ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

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

A. Grantor is the owner of certain parcels of land containing approximately 2.515 acres located in the City of Watertown, Middlesex County, Massachusetts and more particularly described in that certain Quitclaim Deed recorded with the Middlesex South Registry of Deeds (the "Registry") in Book 77347, Page 59 (collectively, the "Grantor Parcel"). The Grantor Parcel is commonly known and numbered 66 Galen Street, Watertown.

B. In connection with certain zoning approvals granted by the Zoning Board of Appeals of City of Watertown ("ZBA") on January 27, 2021 in Case Number ZBA 2020-22 SP/SR, which zoning approvals were granted in connection with the Grantor's development of the Grantor Parcel (the "ZBA Decision"), Grantor committed to develop an environmentally sustainable and ecologically friendly project and to support the City's multimodal transportation goals by, inter alia, allowing pedestrian and vehicular access to a certain private right-of-way (the "Private Way") located on, across and along those portions of the Grantor Parcel, shown on

Sheet 3 of that certain plan of land, with respect to Lot 1A in Watertown, Massachusetts, dated March 20, 2022 and revised September 21, 2023, prepared by VHB, Inc., which plan (the “Plan”) is recorded with the Registry herewith as Plan ____ of 2024, as the “Private Way Easement Area” (the “Private Way Easement Area”). Sheet 3 is entitled “Lot 1A, Private Way Easement Plan in Watertown, Massachusetts.” Attached hereto as Exhibit A is a true and accurate copy of Sheet 3 of the Plan. The Private Way Easement Area is also referred to on the Plan as “Technology Way” and connects Galen Street with Water Street. A legal description of the Private Way Easement Area is set forth in Exhibit B attached hereto. The ZBA Decision is recorded with the Registry in Book 77157, Page 268.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Private Way Easement from Grantor to the City. Grantor hereby grants to the City, and to the general public, subject to the terms hereof and limited to the extent of Grantor’s interest in the Private Way Easement Area, the perpetual non-exclusive right and easement (the “Private Way Easement”), in common with the Grantor and any other parties who may or in the future have rights in and to the Private Way Easement Area, to use the Private Way Easement Area for all purposes for which public ways are lawfully used in the City of Watertown, including, without limitation, travel by motor vehicles, by pedestrians on foot or by a mobility device (as that term is defined hereinafter), and by bicycles, in, over, under, through, across, upon, and along the Private Way Easement Area (subject to the

exclusions expressly stated hereinbelow) (collectively, the “Private Way Right”). The Private Way Right includes, without limitation, the right of the Massachusetts Bay Transportation Authority (“MBTA”) to have buses travel on the Private Way Easement Area. The Private Way Right includes, without limitation, the right of the City, in common with the Grantor, to place, install, construct, and replace in, on, along, under, and upon the Private Way Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of municipal water, sewer, drainage, fire protection, and other utility services, so long as such pipes, conduits, lines, manholes and other appurtenances do not materially interfere with utility pipes, conduits, lines, manholes and other appurtenances currently existing in, on, along, under, and upon the Private Way Easement Area, together with the right of the City to grant, in common with the Grantor, to private utility providers the perpetual non-exclusive right and easement to place, install, construct, and replace in, on, along, under, and upon the Private Way Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of utility services, including, without limitation, gas, electricity, telephone, internet, intelligence, fire protection, and cable services, so long as such pipes, conduits, lines, manholes and other appurtenances do not materially interfere with utility pipes, conduits, lines, manholes and other appurtenances currently existing in, on, along, under, and upon the Private Way Easement Area. Notwithstanding the foregoing, all pipes, lines,

conduits, and appurtenances shall be underground; only manhole covers and grates and other utility appurtenances may be located at ground level; provided, however, with respect to such other utility appurtenances, such ground level placement shall be permitted only if it is reasonably necessary for the provision of utility services. Grantor shall neither place, install, construct, or replace in, on, along, under, and upon the Private Way Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of municipal water, sewer, drainage, fire protection, and other utility services nor grant to any other person the right to place, install, construct, or replace in, on, along, under, and upon the Private Way Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of municipal water, sewer, drainage, fire protection, and other utility services, in each instance without the consent of the City, which consent shall not be unreasonably withheld, delayed, or conditioned. Grantor has the obligation, at its sole cost and expense, to construct the road located in the Private Way Easement Area. The term "road," as used in this instrument, means a paved flat surface for travel by vehicles and people. The term "mobility device," as used in this instrument, means a wheelchair, crutch, cane, walker, or other device, both motorized and non-motorized, that functions similarly to allow an injured or disabled person increased mobility for travel on the Private Way. Notwithstanding the foregoing, the Private Way Right shall not be deemed to include a right to park or stop bicycles

or motor vehicles, motorcycles, or other motorized or non-motorized transportation devices within the Private Way Easement Area at any time; provided, however, (i) the City and/or any member of the public, including, without limitation, shuttle bus providers and ride share providers, but not the MBTA or any party acting by or on behalf of the MBTA, may temporarily park or stop motor vehicles, including, without limitation, shuttle buses, while dropping off and/or picking up passengers at certain drop off/pick up areas in those portions of the Private Way Easement Area as may be designated by Grantor, from time to time, for such purposes (such areas, the “Shuttle Bus Drop Off Pick Up Areas”), (ii) buses operated by the MBTA may idle temporarily in those portions of the northerly side of the Private Way Easement Area as may be designated by the City, from time to time, as idling lanes, and may temporarily park or stop buses while dropping off and picking up passengers on that portion of the Private Way Easement Area abutting the “Shelter and Booth Area”, as shown on Sheet 2 of the Plan (the “Shelter and Booth Area”), and on such other portions of the northerly side of the Private Way Easement Area as may be designated by the City, from time to time, as drop off pick up areas (hereinafter referred to collectively as the “Bus Idling and Passenger Pick Up Drop Off Areas”), and (iii) the City, taxi service providers, livery service providers, shuttle bus providers, ride share providers, and employees, contractors, customers, guests, and invitees of Grantor and/or any tenant of Grantor may temporarily park or stop motor vehicles,

including, without limitation, shuttle buses, in that portion of the Private Way Easement Area shown on Sheet 3 of the Plan as the “Drop Off Pickup Area”, while dropping off and/or picking up passengers entering or exiting the Grantor Parcel or any portion thereof. Said Drop Off Pick Up Area is hereinafter referred to as the “Grantor Drop Off Pick Up Area.” Grantor reserves, for itself and its tenants, employees, agents, contractors, customers, guests, invitees, and designees, the right to use the Grantor Drop Off Pick Up Area for stopping bicycles, motor vehicles, motorcycles, or other motorized or non-motorized transportation devices and/or parking bicycles, motor vehicles, motorcycles, or other motorized or non-motorized transportation devices. The Private Way Right includes, without limitation, the right of the City to grant to the MBTA the perpetual non-exclusive right and easement to use the Bus Idling and Passenger Pick Up Drop Off Areas for the above-described purposes and, if granted, to terminate such perpetual non-exclusive right and easement. Further, the City and/or any member of the public shall not place within the Private Way Easement Area any obstructions (except, with respect to the City, for temporary obstructions necessary in connection with the maintenance, repair or replacement of the Private Way Easement Area). The City’s rights hereunder expressly shall be deemed to include the right (but not the obligation) to enter upon the Private Way Easement Area for the purpose of performing maintenance, repair and replacement of the road located in the Private Way Easement Area (including the right to pave and repave the

road). The City's exercise of the Private Way Right shall not unreasonably and materially interfere with Grantor's use of the Grantor Parcel, as set forth in Paragraph 2 below.

2. Reserved Rights. The Private Way Right hereby granted in this Grant of Easement does not grant to the City or the public any rights on, across or over any portion of the Grantor Parcel other than the Private Way Easement Area. Grantor reserves the right to continue to use the Private Way Easement Area in any manner that does not unreasonably and materially interfere with the Private Way Right, including, without limitation: (a) to erect, outside of and along the Private Way Easement Area, such fences, vegetated buffers, or other measures it deems reasonably necessary or appropriate; (b) to establish such driveways, roads, paths or other traveled ways within the Grantor Parcel, including but not limited to vehicular and pedestrian connections between the Grantor Parcel and the Private Way Easement Area, that do not unreasonably interfere with the exercise of the Private Way Right, (c) the right of Grantor to repair, replace, improve, and maintain the Private Way Easement Area and road located therein, together with all appurtenances to the road, including, without limitation, crosswalks and roadway curbs; and (d) to use, or to grant to others the right to use, the Private Way Easement Area for any and all purposes, provided only that such use shall not unreasonably interfere with the exercise of the Private Way Right.

3. Plowing; Maintenance. The City shall be responsible, at its sole cost and expense, for (i) plowing and removing snow and ice on the road constructed in the Private Way Easement Area, (ii) street sweeping of the road constructed in the Private Way Easement Area, and (iii) maintaining the crosswalks, including, without limitation, painting lines on the road constructed in the Private Way Easement Area, but not maintaining, repairing, or replacing the surface of the paved road constructed in the Private Way Easement Area. The City shall have no responsibility for the construction, maintenance, repair, or replacement of any structures used by the MBTA in the Shelter and Booth Area, including without limitation, any bus shelter and control booth nor shall the City have any responsibility for electricity and other utilities serving any of said structures. The Grantor, at its sole cost and expense, shall be responsible for all other maintenance, repair and replacement of the road constructed in the Private Way Easement Area, together with all appurtenances to the road, including, without limitation, crosswalks (except for the painting of lines, plowing and removing snow and ice, and street sweeping, in each instance, located on the road constructed in the Private Way Easement Area, of which the City shall have the sole responsibility with respect thereto), and roadway curbs. Such maintenance responsibility includes, inter alia, paving, repaving, resurfacing, road patching, pothole repairing in each instance with respect to the road in the Private Way Easement Area. Whenever any construction, maintenance or replacement work is to

be performed by the Grantor, pursuant to this Section, or the City, pursuant to Section 1, within the Private Way Easement Area, such work (i) shall be performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and regulations, and (ii) shall be performed to the extent practicable in a manner that causes the minimum of interference with the use and enjoyment of the City and the public or the Grantor, as the case may be. The Grantor and the City agree (except in the event of an emergency, for which no prior notice is required, but notice shall be given thereafter as soon as practicable) to give the other party 48 hours' prior notice (which may be oral) of any construction or replacement work within the Private Way Easement Area. The Grantor and the City shall cause any contractor, subcontractor or other person or entity engaged directly or indirectly on behalf of the Grantor or the City, as the case may be, performing any work to have adequate commercial general liability insurance and workers' compensation insurance. Such insurance shall name the City, in the event of work performed by the Grantor, as an additional insured, shall name the Grantor and the Grantor's mortgage lender, in the event of work performed by the City, as an additional insured, and shall be carried by a reputable insurance company or companies qualified to do business in the Commonwealth of Massachusetts. Upon written request from the other party, the Grantor or the City, as the case may be, shall furnish, or cause to be furnished, to the other party one (1) or more certificates of insurance

evidencing the existence of the insurance required to be carried pursuant to this Section 3. In the event that any contractor, subcontractor or other person or entity engaged directly or indirectly on behalf of the Grantor or the City, as the case may be, in connection with the performance of any work within the Private Way Easement Area records or files any lien or other encumbrance against the Private Way Easement Area, the party engaging such contractor, subcontractor or other person or entity shall take such action, at its sole cost and expense, to cause such lien or other encumbrance to be dissolved or released as soon as reasonably practicable.

4. Restoration. To the extent that the exercise of the City's rights under this Grant involves construction or other work within the Private Way Easement Area, at the sole cost and expense of the City, the City shall promptly, at its option, either (i) restore said land or area to the condition said land or area was in immediately prior to such exercise (including any landscaping or similar improvements) to the extent consistent with the City's exercise of its rights hereunder, or (ii) restore such land or area consistent with the standards and practices of the Department of Public Works of the City. If the City or any contractor or subcontractor engaged by the City to do work within the Private Way Easement Area causes any damage to the Private Way Easement Area, at the sole cost and expense of the City, the City shall promptly, at its option, either restore the same to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable, or restore such land or area consistent with the

standards and practices of the Department of Public Works of the City. If the City or any contractor or subcontractor engaged by the City to do work within the Private Way Easement Area causes any damage to any part of the Grantor Parcel not comprising the Private Way Easement Area, the City shall promptly restore the same, at its sole cost and expense, to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable.

5. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, work stoppages arising out of collective bargaining strikes, pandemic, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.
6. Bind and Inure. The rights created hereby shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns, including, in the case of the City, the public; provided, however, that the Grantor shall only be responsible hereunder for matters occurring and claims arising during its period of ownership of

the Grantor Parcel. No partner, member, shareholder, trustee, beneficiary, director, officer, manager, or employee of Grantor, or any partner of Grantor, or any affiliate of Grantor, shall have any personal liability under this Grant. In addition, no party to this Grant shall have personal liability under this Grant. In the event any person obtains a judgment against Grantor in connection with this Grant, such person's sole recourse shall be to the estate and interest of Grantor in and to Grantor Parcel.

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

If to Grantor, addressed to:

Galen Street Owner LLC
c/o Boston Development Group
93 Union Street
Newton, MA 02459
Attention: Manager

With a copy to:

Galen Street Owner, LLC
c/o The Davis Companies
125 High Street, #2111
Boston, MA 02110
Attention: General Counsel

If to the City, addressed to:

City of Watertown
149 Main Street
Watertown, MA 02472
Attention: City Manager

8. Estoppel. Each party shall, without charge and from time to time, deliver within twenty (20) days of written request by the other party, a certificate (addressed to the requesting party and/or its potential lenders, tenants and purchasers) with respect to the status of this Grant, each party's obligations thereunder, and any other facts or matters reasonably requested by the requesting party.
9. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants, easements and other encumbrances of record, whether now or hereafter existing, to the extent in force and applicable.
10. Authority. Each party hereto hereby represents and warrants to the other parties that (i) the person executing and delivering this Agreement on behalf of such party has been duly authorized by all requisite action, and (ii) when fully executed and delivered, this Agreement shall constitute the binding agreement of such party, enforceable in accordance with its terms.
11. Attorneys' Fees and Costs. In the event any party is required to resort to litigation to enforce its rights under this Agreement, the prevailing party in such litigation will be entitled to collect from the other party all costs, expenses and attorneys' fees (including the fees of any in-house legal staff of any party or their affiliates) incurred in connection with such action.
12. Waiver of Jury Trial. Each party acknowledges and agrees it hereby irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any litigation directly or indirectly arising out of the agreements delivered in connection herewith or the transactions

contemplated hereby or thereby. Each party certifies and acknowledges that (a) no representative, agent or attorney or any other person has represented, expressly or otherwise, that such other person would not, in the event of litigation, seek to enforce such waivers, (b) it understands and has considered the implications of such waivers, (c) it makes such waivers voluntarily, and (d) it has been induced to enter into this Agreement by, among other things, the mutual waivers and certifications in this Section 12.

13. No Third Party Beneficiaries. This Agreement is entered into for the exclusive benefit of the parties hereto and the parties expressly disclaim any intent to benefit anyone not a party hereto.
14. Governing Law. This Grant shall be governed by the laws of the Commonwealth of Massachusetts, as the same may now exist or as may be hereinafter enacted. If any provision of this Grant, or portions thereof, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Grant, or the application of such provision, or portion thereof, to any other person or circumstances shall not be affected thereby, and such provision of this Grant shall be valid and enforceable to the fullest extent permitted by law.
15. Counterparts. This Grant may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument. Several copies of this Grant shall be executed and each shall be deemed an original.

16. Complementary Easements. In the event that there are any inconsistencies in that certain highway way easement agreement by and between the parties, dated this date, and recorded herewith (the “Highway Easement Agreement”) and this Grant, the terms and provisions of the Highway Easement Agreement shall govern.

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

GRANTOR:

Galen Street Owner, LLC,
A Massachusetts limited liability company

By: _____
Name:
Title: Authorized Signatory
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____ ss. _____, 2024

On this ____ day of _____, 2024 before me, the undersigned notary public, personally appeared, a manager of Galen Street Owner, LLC, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity.

Notary Public
My commission expires: _____

[City signatures on next page]

ACCEPTANCE OF EASEMENT

On this ____ day of _____, 2024, the City of Watertown, acting by and through its City Manager pursuant to the vote taken by the City Council on _____, 2024, a certified copy of which is attached hereto as Exhibit C, hereby accepts the Private Way Right and Easement contained in the foregoing Grant of Easement granted to the City by Grantor, which is recorded herewith.

CITY:

CITY OF WATERTOWN

Name: George Proakis
Title: City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

Name:
Title: City Attorney

ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. _____, 2024

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared George Proakis, the City Manager of the CITY OF WATERTOWN, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

Notary Public
My commission expires: _____

EXHIBIT A

PLAN OF PRIVATE WAY EASEMENT AREA

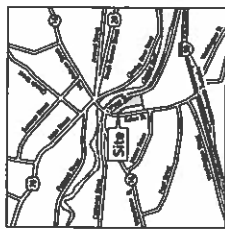


EXHIBIT B

LEGAL DESCRIPTION OF PRIVATE WAY EASEMENT AREA

Legal Description Technology Way Easement

A certain Easement situated in the Town of Watertown, the County of Middlesex, and in the Commonwealth of Massachusetts being shown as Technology Way Private Way Easement Area on a plan entitled "Lot 1A Private Way Easement Plan in Watertown Massachusetts Prepared for Galen Street Owner" Scale: 1"=20', Dated March 22, 2022 and revised September 21, 2023, and prepared by VHB, Inc., bounded and described as follows:

Beginning at a point on the southwesterly sideline of Water Street two hundred fifteen and eighty-three hundredths feet (215.83') southeasterly, and along the southwesterly sideline of Water Street from its intersection with the easterly sideline of Galen Street, being the northeasterly corner of the herein described Technology Way Private Way Easement Area; thence

S 36°02'00" E	a distance of fifty-seven and eight hundredths feet (57.08') along the southwesterly sideline of Water Street to a point; thence
S 33°49'55" E	a distance of nineteen and eighteen hundredths feet (19.18') along the southwesterly sideline of Water Street to a point; thence
Westerly	and curving to the left along the arc of a curve having a radius of twenty-nine and fifty hundredths feet (29.50'), a length of twenty four and ten hundredths feet (24.10') a chord bearing of S 74°22'32 E and a chord distance of twenty-three and forty-four hundredths feet (23.44') to a point; thence
Westerly	and curving to the left along the arc of a curve having a radius of thirty-four and no hundredths feet (34.00'), a length of ten and twenty-two hundredths feet (10.22') a chord bearing of S 65°17'08 W and a chord distance of ten and eighteen hundredths feet (10.18') to a point; thence
S 56°40'28" W	a distance of sixteen and twenty-eight hundredths feet (16.28') to a point; thence
Westerly	and curving to the right along the arc of a curve having a radius of two hundred eleven and fifty hundredths feet (211.50'), a length of thirty-two and forty-four hundredths feet (32.44') a chord bearing of S 61°04'05 W and a chord distance of thirty-two and forty hundredths feet (32.40') to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of two and fifty hundredths feet (2.50'), a length of one and eighty-six hundredths feet (1.86') a chord bearing of S 44°08'31 W and a chord distance of one and eighty-two hundredths feet (1.82') to a point; thence
S 22°49'20" W	a distance of sixteen and ten and fifty-four hundredths feet (10.54') to a point; thence

S 68°32'17" W	a distance of four and fifty-eight hundredths feet (4.58') to a point; thence
S 69°07'26" W	a distance of twenty-three and ninety-four hundredths feet (23.94') to a point; thence
Northwesterly	and curving to the right along the arc of a curve having a radius of one hundred sixty-eight and fifty hundredths feet (168.50'), a length of thirty-five and fourteen hundredths feet (35.14') a chord bearing of S 75°05'55 W and a chord distance of thirty-five and eight hundredths feet (35.08') to a point; thence
N 55°38'01" W	a distance of eleven and two hundredths feet (11.02') to a point; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of two and fifty hundredths feet (2.50'), a length of one and eighty-six hundredths feet (1.86') a chord bearing of N 76°55'35 W and a chord distance of one and eighty-two hundredths feet (1.82') to a point; thence
S 83°00'57" W	a distance of eleven and thirty-two hundredths feet (11.32') to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of seventeen and fifty hundredths feet (17.50'), a length of twenty-six and sixty-seven hundredths feet (26.67') a chord bearing of S 40°35'13 W and a chord distance of twenty-four and seventeen hundredths feet (24.17') to a point; thence
S 86°19'00" W	a distance of fifty-nine hundredths feet (0.59') to a point in the easterly sideline of Galen Street; thence
Northeasterly	and curving to the right along the arc of a curve having a radius of four hundred ten and no hundredths feet (410.00'), a length of seventy-seven and twenty-one hundredths feet (77.21') a chord bearing of N 1°42'43 E and a chord distance of seventy-seven and ten hundredths feet (77.10') along the easterly sideline of Galen Street to a point; thence
N 7°06'25" E	a distance of twenty-two and nineteen hundredths feet (22.19') along the easterly sideline of Galen Street to a point; thence
Southerly	and curving to the left along the arc of a curve having a radius of ninety-nine and fifty hundredths feet (99.50'), a length of nineteen and sixty-three hundredths feet (19.63') a chord bearing of S 8°48'15 E and a chord distance of nineteen and sixty hundredths feet (19.60') to a point; thence
Southeasterly	and curving to the left along the arc of a curve having a radius of twenty-four and fifty hundredths feet (24.50'), a length of twenty-six and forty-

three hundredths feet (26.43') a chord bearing of S 45°21'47" E and a chord distance of twenty-five and seventeen hundredths feet (25.17') to a point; thence

Easterly

and curving to the left along an arc of a curve having a radius of twenty-four and fifty hundredths feet (24.50') a length of seven and sixty-nine hundredths feet (7.69') a chord bearing of S 85°15'50" E and a chord distance of seven and sixty-six hundredths feet (7.66') to a point; thence

Northeasterly

and curving to the left along the arc of a curve having a radius of one hundred forty-nine and fifty hundredths feet (149.50'), a length of ninety-one and sixty-two hundredths feet (91.62') a chord bearing of N 68°11'06" E and a chord distance of ninety and nineteen hundredths feet (90.19') to a point; thence

Northeasterly

and curving to the left along the arc of a curve having a radius of sixty-nine and fifty hundredths feet (69.50'), a length of twenty and fifteen hundredths feet (20.15') a chord bearing of N 42°19'25" E and a chord distance of twenty and eight hundredths feet (20.08') to a point; thence

Northeasterly

and curving to the left along the arc of a curve having a radius of sixty-two and seventy-one hundredths feet (62.71'), a length of nineteen and thirty-four hundredths feet (19.34') a chord bearing of N 25°50'39" E and a chord distance of nineteen and twenty-seven hundredths feet (19.27') to the point of beginning.

said Easement containing 8,039 square feet or 0.185 acres more or less.

EXHIBIT C

CITY COUNCIL VOTE

GRANT OF EASEMENT
(HIGHWAY EASEMENT AGREEMENT)
(66 GALEN STREET, WATERTOWN, MA)

This GRANT OF EASEMENT ("Grant") is entered into as of the ____ day of _____, 2024 by and between **Galen Street Owner, LLC**, a Delaware limited liability company ("Grantor"), having a mailing address of c/o Boston Development Group, 93 Union Street, Newton, Massachusetts 02459, and the **City of Watertown**, a Massachusetts municipal association ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

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

A. Grantor is the owner of, *inter alia*, a certain parcel of land, commonly identified as 66 Galen Street, containing approximately 2.515 acres located in the City of Watertown, Middlesex County, Massachusetts and more particularly described in that certain Quitclaim Deed recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 77347, Page 59 (the "Grantor Parcel"). The Grantor Parcel abuts Galen Street and Water Street, each a public way of the City.

B. In connection with certain zoning approvals granted to Grantor's affiliate by the Zoning Board of Appeals of the City of Watertown ("ZBA") on January 27, 2021 in Case Number ZBA-2020-22 SP/SR, which zoning approvals were granted in connection with the Grantor's affiliate's development of the Grantor Parcel (the "ZBA Decision") and run with the land, Grantor's affiliate committed to grant to the City an easement for highway purposes in that portion of the Grantor Parcel shown respectively as "Highway Easement Area" on Sheet 2 of that certain plan of land, with respect to Lot 1A in Watertown, Massachusetts, dated March 22, 2022 and revised September 21, 2023, prepared by VHB, Inc., which plan (the "Plan") is recorded with the Registry herewith as Plan ____ of 2024. Sheet 2 is entitled "Lot 1A, Highway Easement Plan in Watertown, Massachusetts." A true and accurate copy of Sheet 2 of the Plan is attached hereto as Exhibit A. The above highway easement area is hereinafter referred to as the "Highway Easement Area." A legal description of the Highway Easement Area is set forth in Exhibit B attached hereto. The ZBA Decision is recorded with the Registry in Book 77157, Page 268.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Highway Easement from Grantor to the City. Grantor hereby grants to the City, and to the general public, subject to the terms hereof and limited to the extent of Grantor's interest in the Highway Easement Area, the perpetual non-exclusive right and easement (the "Highway Easement"), in common with the Grantor, to use the Highway Easement Area for highway purposes, including, without limitation, public use, construction, installation, operation, maintenance, repair, and replacement of sidewalks, crosswalks, wheelchair ramps, street lights,

landscaping, street trees, bus shelters, inspector booths, street signs, traffic control signs, fire hydrants, fire alarm systems, traffic control devices, and traffic lights and other traffic signal devices, including all appurtenances to the foregoing (collectively, the “Highway Improvements”), together with pedestrian and vehicular access (except as hereinafter limited) by the City, and not the general public, to, in, over, under, through, across, upon, on and along the Highway Easement Area for purposes of the construction, installation, operation, maintenance, repair, and replacement of the Highway Improvements pursuant to Section 5, and further together with the perpetual non-exclusive right and easement, in common with the Grantor, to use that portion of Highway Easement Area on the north side of Technology Way and shown on the Plan as “Shelter and Booth Area” (i) with respect to the bus shelter (the “Bus Shelter”), for waiting for buses, during normal bus operation hours, for members of the general public, and (ii) with respect to the inspector booth (the “Inspector Booth”), for employees or contractors of the Massachusetts Bay Transit Authority (“MBTA”), engaged in providing bus service to the Grantor Parcel, or any portion thereof (collectively, the “Highway Right”). The Highway Right includes, without limitation, the right of the City, to grant, in common with the Grantor, to MBTA the perpetual non-exclusive right and easement to use the Bus Shelter and the Inspector Booth for the above-described purposes. The Highway Right also includes, without limitation, the right of the City, in common with the Grantor, to place, install, construct, and replace in, on, along, under, and upon the Highway Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of municipal water, sewer, drainage, fire protection, and other utility services, together with the right of the City to grant, in common with the Grantor, to private utility providers the perpetual non-exclusive right and easement to place, install, construct, and replace in, on, along, under, and upon the Highway Easement Area pipes,

conduits, lines, manholes and other appurtenances necessary for the transmission of utility services, including, without limitation, gas, electricity, telephone, internet, intelligence, fire protection, and cable services. Notwithstanding the foregoing, all pipes, lines, conduits, and appurtenances shall be underground; only manhole covers and grates and other utility appurtenances may be located at ground level; provided, however, with respect to such other utility appurtenances, such ground level placement shall be permitted only if it is reasonably necessary for the provision of utility services. Grantor has the obligation, at its sole cost and expense, to construct within the Highway Easement Area those Highway Improvements required by the City in the ZBA Decision or in connection with the development of the Grantor Parcel pursuant to the ZBA Decision, including, without limitation, the Inspector Booth and the Bus Shelter. Notwithstanding anything to the contrary contained in this Grant, the rights of the general public upon or under the Highway Right are limited to the use of the Highway Improvements; the general public has no right upon or under the Highway Right to construct, install, maintain, repair, or replace any Highway Improvements or the Highway Easement Area. The City's exercise of the Highway Easement shall not unreasonably interfere with Grantor's use of the Grantor Parcel, as set forth in Paragraph 3 below.

2. Limitations on Use of Sidewalks. Notwithstanding anything to the contrary contained in this Grant, with respect to any portion of the Highway Easement Area consisting now or hereafter of a sidewalk, the right of the City and the public to use, pursuant to the Highway Easement, such sidewalk shall not be deemed to include any rights for motor vehicles, motorcycles, or other motorized transportation devices to pass or repass on, across or over any sidewalk portion of the Highway Easement Area, other than (i) any mobility device, or (ii) in connection with the maintenance, repair or replacement of any sidewalk portion of the Highway

Easement Area, including, without limitation, snow removal from such sidewalk portion. The term “mobility device,” as used in this instrument, means a wheelchair, crutch, cane, walker, or other device, both motorized and non-motorized, that functions similarly to allow an injured or disabled person increased mobility for sidewalk travel. Additionally, the right of the City and the public to use, pursuant to the Highway Easement, any sidewalk portion of the Highway Easement Area shall not be deemed to include a right to park bicycles (except where authorized through the appropriate location of a bike storage rack or rental docking station) or motor vehicles, motorcycles, or other motorized or non-motorized transportation devices within any sidewalk portion of the Highway Easement Area at any time. Further, the City and/or any member of the public shall not place within any sidewalk portion of the Highway Easement Area any obstructions (except for temporary obstructions by the City necessary in connection with the maintenance, repair, or replacement of the Highway Easement Area).

3. Reserved Rights. The Highway Easement hereby granted does not grant to the City or the public any rights to, in, over, under, through, across, upon, on and along any portion of the Grantor Parcel other than the Highway Easement Area. Grantor reserves the right to continue to use the Highway Easement Area, in a manner that does not unreasonably interfere with the Highway Easement, including, without limitation: (a) to erect, outside of and along any sidewalk portion of the Highway Easement Area, such fences, vegetated buffers, or other measures it deems reasonably necessary or appropriate; (b) to install and maintain landscaping within any sidewalk portion of the Highway Easement Area up to the paved edge of the pedestrian path located within the sidewalk portion of the Highway Easement Area; (c) to establish such driveways, roads, paths or other traveled ways within the Grantor Parcel, including but not limited to vehicular and pedestrian connections between the Grantor Parcel and

any sidewalk portion of the Highway Easement Area, that do not unreasonably interfere with the exercise of the Highway Easement, as well as vehicular connections between the Grantor Parcel and Water Street, Technology Way, and/or Galen Street; (d) to repair, replace, improve, maintain and use the sidewalk portion of the Highway Easement Area; (e) at the option of the Grantor, to repair, maintain, and replace the City Highway Improvements (as that term is defined hereinafter), where the City shall have failed to repair, maintain, or replace the same and such failure shall have continued for ten (10) days after written notice to the City by Grantor of such failure (except that no prior notice shall be required in the event of an emergency, but notice shall be given thereafter as soon as practicable); and (e) to use, or to grant to others the right to use, any sidewalk portion of the Highway Easement Area for any and all purposes, provided only that such use shall not materially interfere with the exercise of the Highway Easement.

4. Release. It is the intention of the parties that access to the Highway Easement Area, including, without limitation, the sidewalk portions thereof, shall be used for recreational purposes and shall be free of charge or fee and that to the fullest extent permitted by law, the Highway Easements constitute an “interest in land” under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections), and that Grantor and all those claiming by, through or under Grantor, shall be afforded all of the rights, protections, privileges and benefits granted thereunder, and as such, Grantor and all those claiming by, through or under Grantor, shall not be liable for personal injuries or property damage sustained by members of the public in connection with the rights granted hereunder including, without limitation, a minor or any other person on the Highway Easement Area. In the exercise of the easement rights created hereunder, City and those claiming by, through or under City (including without limitation, City’s employees, agents and

contractors) (the "City Parties"), shall do so at their own risk, except as expressly provided herein. Grantor, its consultants, contractors, agents, licensees or invitees, and its affiliates, managers, members, partners, officers, directors, stockholders, attorneys, employees, predecessors, successors and assigns shall be free from all liability and claims for damages, together with all related costs, arising out of, related to or in connection with the exercise by City or City Parties of the rights granted hereunder, including but not limited to any such liability and/or claims with respect to release of any Hazardous Substances (as defined in this Section 4) regulated by or noncompliance with any Environmental Laws (as defined in this Section 4) caused by or related to City's or City Parties' exercise of the rights granted under this Agreement. The term "Environmental Laws" includes without limitation the Resource Conservation and Recovery Act, 42 USC Sections 6901 et seq., and the Comprehensive Environmental Response Compensation and Liability Act, 42 USC Sections 9602 et seq., and other federal laws governing the environment as in effect on the date of this Grant, together with their implementing regulations and guidelines and all state, regional, county, municipal and other local laws, regulations and ordinances that are similar to such federal laws or that regulate Hazardous Substances. The term "Hazardous Substances" includes petroleum, asbestos, lead, radon, mold, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas or such synthetic gas), and any substance, material, waste, pollutant or contaminant listed or defined as hazardous or toxic under any Environmental Law.

The City shall neither be liable for damages arising from the violation of any Environmental Laws with respect to the Highway Easement Area nor from the presence or release of Hazardous Substances with respect to the Highway Easement Area, in each instance arising from the negligent or intentional acts of the Grantor or the presence or release of

Hazardous Substances existing or occurring prior to the date of this Grant (except to the extent exacerbated by the City).

5. Performance of Work. The Grantor shall be responsible for the maintenance, repair and replacement of the Highway Improvements located in the Highway Easement Area, except for the City Highway Improvements (as that term is defined hereinafter). The maintenance responsibilities of the Grantor include snow and ice removal of the sidewalks located in the Highway Easement Area. The term "City Highway Improvements," as used in this instrument, means street lights, street signs, traffic control signs, crosswalks, fire hydrants, fire alarm systems, traffic control devices, traffic lights and other traffic signal devices, including all appurtenances to the foregoing. The City shall be responsible for the maintenance, repair and replacement of the City Highway Improvements located in the Highway Easement Areas. The City may maintain, repair, and replace any Highway Improvements located in the Highway Easement Area that the Grantor is obligated to, and has failed to, maintain, repair, or replace hereunder; provided, however, prior to the performing any such work, the City, except in the event of emergency, for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable, shall have given prior written notice to Grantor of the Grantor's failure to maintain, repair, or replace, together with the details with respect to such failure, and Grantor shall have failed to make such maintenance, repair, or replacement within ten (10) days of Grantor's receipt of such notice (except that no prior notice shall be required in the event of an emergency, but notice shall be given thereafter as soon as practicable). Any construction, maintenance or replacement work to be performed by the City within the Highway Easement Area pursuant to the Highway Easement (i) shall be performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and

regulations and (ii) shall be performed to the extent practicable in a manner that causes the minimum of interference with the use and enjoyment of the Grantor Parcel by the Grantor. The City agrees, except in the event of emergency, for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable, to give Grantor 48 hours' prior notice (which may be oral) or ten (10) days' prior written notice in the event of Grantor's failure to maintain, repair or replace, as provided above, of any construction, maintenance or replacement work within the Highway Easement Area, and, further, shall make all reasonable efforts to ensure vehicular access to the Grantor Parcel at all times, provided, however, the parties acknowledge that such access may be obstructed for periods of limited duration. The City shall cause any contractor performing any work under this Grant for the City to have adequate commercial general liability insurance and workers' compensation insurance. Such insurance shall name Grantor as an additional insured and shall be carried by a reputable insurance company or companies qualified to do business in the Commonwealth of Massachusetts. Upon written request from the Grantor, City shall furnish, or cause to be furnished, to Grantor one (1) or more certificates of insurance evidencing the existence of the insurance required to be carried pursuant to this Section 5. In the event that any contractor, subcontractor or other person or entity engaged directly or indirectly on behalf of the City in connection with the performance of any work within the Highway Easement Area records or files any lien or other encumbrance against any portion of the Grantor Parcel (including the Highway Easement Area), the City shall take such action, at its sole cost and expense, to cause such lien or other encumbrance to be dissolved or released as soon as reasonably practicable.

6. Restoration. In connection with any construction or other work by the City within the Highway Easement Area pursuant to the Highway Easement, at the sole cost and expense of

the City, the City shall, promptly, at its option, either (i) restore, as close as reasonably practicable, said land or area to the condition said land or area was in immediately prior to such exercise (including any landscaping or similar improvements) to the extent consistent with the City's exercise of its rights hereunder or (ii) restore such land or area consistent with the standards and practices of the Department of Public Works of the City. If the City, or any person claiming by, through, or under the City causes any damage to the Highway Easement Area, at the sole cost and expense of the City, the City shall promptly, at its option, either restore the same, to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable, or restore such land or area consistent with the standards and practices of the Department of Public Works of the City.. If the City, or any person claiming by, through, or under the City causes any damage to any part of the Grantor Parcel not comprising the Highway Easement Area, the City shall promptly restore the same, at its sole cost and expense, to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable.

7. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, pandemic, work stoppages arising out of collective bargaining strikes, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.

8. Bind and Inure. The rights created hereby shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns,

including, in the case of the City, the public; provided, however, that the Grantor shall only be responsible hereunder for matters occurring and claims arising during its period of ownership of the Grantor Parcel. No partner, member, shareholder, trustee, beneficiary, director, officer, manager, or employee of Grantor, or any partner of Grantor, or any affiliate of Grantor, shall have any personal liability under this Grant. In addition, no party to this Grant shall have personal liability under this Grant. In the event any person obtains a judgment against Grantor in connection with this Grant, such person's sole recourse shall be to the estate and interest of Grantor in and to Grantor Parcel. No employee, official, agent or representative of the City shall have personal liability under this Grant. Notwithstanding anything to the contrary contained in this Grant, in the event of any breach of any term, condition, or obligation hereof, the sole remedy of any party shall be an action at law for money damages or a suit in equity for specific performance or other equitable relief, but no such breach shall operate as a forfeiture, reversion, or termination of any rights granted or arising hereunder.

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

If to Grantor, addressed to:

Galen Street Owner LLC
c/o Boston Development Group
93 Union Street
Newton, MA 02459
Attention: Manager

With a copy to:

Galen Street Owner, LLC
c/o The Davis Companies

125 High Street, #2111
Boston, MA 02110
Attention: General Counsel

If to the City, addressed to:

City of Watertown
149 Main Street
Watertown, MA 02472
Attention: City Manager

10. Estoppel. Each party shall, without charge and from time to time, deliver within thirty (30) days of written request by the other party, a certificate (addressed to the requesting party and/or its potential lenders, tenants and purchasers) with respect to the status of this Grant and each party's obligations thereunder.

11. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants, easements and other encumbrances of record, whether now or hereafter existing, to the extent in force and applicable, with the exception of monetary encumbrances, for which a subordination shall be obtained and recorded.

12. Authority. Each party hereto hereby represents and warrants to the other parties that (i) the person executing and delivering this Agreement on behalf of such party has been duly authorized by all requisite action, and (ii) when fully executed and delivered, this Agreement shall constitute the binding agreement of such party, enforceable in accordance with its terms.

13. Attorneys' Fees and Costs. In the event any party is required to resort to litigation to enforce its rights under this Agreement, the prevailing party in such litigation will be entitled to collect from the other party all costs, expenses and attorneys' fees (including the fees of any in-house legal staff of any party or their affiliates) incurred in connection with such action.

14. Waiver of Jury Trial. Each party acknowledges and agrees it hereby irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any litigation directly or indirectly arising out of the agreements delivered in connection herewith or the transactions contemplated hereby or thereby. Each party certifies and acknowledges that (a) no representative, agent or attorney or any other person has represented, expressly or otherwise, that such other person would not, in the event of litigation, seek to enforce such waivers, (b) it understands and has considered the implications of such waivers, (c) it makes such waivers voluntarily, and (d) it has been induced to enter into this Agreement by, among other things, the mutual waivers and certifications in this Section 14.

15. No Third Party Beneficiaries. This Agreement is entered into for the exclusive benefit of the parties hereto and the parties expressly disclaim any intent to benefit anyone not a party hereto.

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

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

18. Complementary Easements. In the event that there are any inconsistencies in that certain private way easement agreement by and between the parties, dated this date, and recorded herewith (the "Private Way Easement Agreement") and this Grant, the terms and provisions of this Grant shall govern.

[Signatures on the Following Pages]

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

GRANTOR:

Galen Street Owner, LLC,
A Delaware limited liability company

By: _____

Name:

Title:

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____ ss.

On this _____ day of _____, 2024 before me, the undersigned notary public, personally appeared, a _____ of Galen Street Owner, LLC, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity.

[City signatures on next page]

ACCEPTANCE OF EASEMENT

On this ____ day of _____, 2024, the City of Watertown, acting by and through its City Manager pursuant to the vote taken by the City Council on _____, 2024, a certified copy of which is attached hereto as Exhibit C, hereby accepts the Highway Easement contained in the foregoing Grant of Easement granted to the City by Grantor, which is recorded herewith.

CITY OF WATERTOWN

Name: George Proakis
Title: City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

Name:
Title: City Attorney

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared George Proakis, the City Manager of the City of Watertown, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

Notary Public
My commission expires: _____

EXHIBIT A
PLAN OF HIGHWAY EASEMENT AREA

EXHIBIT B
HIGHWAY EASEMENT AREA

Legal Description Lot 1A Highway Easement

A certain Easement situated in the Town of Watertown, the County of Middlesex, and in the Commonwealth of Massachusetts being shown as Highway Easement Area on a plan entitled "Lot 1A Highway Easement Plan in Watertown Massachusetts Prepared for Galen Street Owner" Scale: 1"=20', Dated March 22, 2022 and revised September 21, 2023, and prepared by VHB, Inc., bounded and described as follows:

Beginning at a point on the southwesterly sideline of Water Street fifty-nine and forty-eight hundredths feet (59.48') southeasterly, and along the southwesterly sideline of Water Street from its intersection with the easterly sideline of Galen Street, being the northeasterly corner of the herein described Lot 1A Highway Easement Area; thence

Southerly	and curving to the right along the arc of a curve having a radius of two hundred four and thirty-seven hundredths feet (204.37'), a length of twenty-eight and eighty hundredths feet (28.80') a chord bearing of S 40°04'16 E and a chord distance of twenty-eight and seventy-eight hundredths feet (28.78') to a point; thence
S 36°02'00" E	a distance of one hundred twenty-seven and ten hundredths feet (127.10') feet to a point; thence
S 33°49'55" E	a distance of two hundred thirty-one and eighty-three hundredths feet (231.83') to a point; thence
S 34°05'54" E	a distance of sixty-two and thirty hundredths feet (62.30') to a point; thence
S 33°27'24" E	a distance of seventeen and sixty hundredths feet (17.60') to a point; thence
S 56°30'50" W	a distance of twelve and eight-five hundredths feet (12.85') to a point; thence
N 33°49'55" W	a distance of one hundred thirty and sixty hundredths feet (130.60') to a point; thence
S 56°27'21" W	a distance of seven and seventy-three hundredths feet (7.73') to a point; thence
N 34°09'53" W	a distance of twenty-four and thirty hundredths feet (24.30') to a point; thence
N 33°51'50" W	a distance of one hundred forty-seven and sixty-seven hundredths feet (147.67') to a point; thence
S 56°08'10" W	a distance of eighty and seventy-one hundredths feet (80.71') to a point; thence
S 79°23'10" W	a distance of eighty-four and twenty-two hundredths feet (84.22') to a point; thence
S 10°36'50" E	a distance of sixty-six and twenty-nine hundredths feet (66.29') to a point; thence

S 78°48'14" W	a distance of seventeen hundredths feet (0.17') to a point; thence
S 10°36'53" E	a distance of one hundred eighty and forty-six hundredths feet (180.46') to a point; thence
S 79°09'44" W	a distance of forty-three hundredths feet (0.43') to a point; thence
S 10°28'31" E	a distance of one hundred and forty-three hundredths feet (100.43') to a point; thence
S 67°17'54" W	a distance of thirteen and forty-six hundredths feet (13.46') to a point thence
N 10°36'50" W	a distance of three hundred one and ten hundredths feet (301.10") to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of four hundred ten and no hundredths feet (410.00'), a length of one hundred twenty-six and eighty-one hundredths feet (126.81') a chord bearing of N 1°45'13 W and a chord distance of one hundred twenty-six and thirty hundredths feet (126.30') along the easterly sideline of Galen Street to a point; thence
N 07°06'25" E	a distance of one hundred sixty-two and ninety-four hundredths feet (162.94") to a point; thence;
Northerly	and curving to the right along the arc of a curve having a radius of seven and no hundredths feet (7.00'), a length of fourteen and sixty-six hundredths feet (14.66') a chord bearing of N 62°29'33 E and a chord distance of eleven and fifty-two hundredths feet (11.52')along the easterly sideline of Galen Street to a point; thence
S 52°53'58" E	a distance of eight and thirty-one hundredths feet (8.31') along the southwest sideline of Water Street to a point; thence
Northerly	and curving to the left along the arc of a curve having a radius of seventeen and eighty-two hundredths feet (17.82'), a length of twenty-two and one hundredths feet (22.01') a chord bearing of S 44°59'35 W and a chord distance of twenty and sixty-three hundredths feet (20.63') to a point; thence
S 07°10'10" W	a distance of ninety-five and sixty-seven hundredths feet (95.67') to a point; thence
S 82°49'50" E	a distance of six and fifty hundredths feet (6.50') to a point; thence
S 07°10'10" W	a distance of twelve and eighty-nine hundredths feet (12.89') to a point; thence
Southerly	and curving to the left along the arc of a curve having a radius of eighty-six and nine hundredths feet (86.09'), a length of twenty-eight and fifty hundredths feet (28.50') a chord bearing of S 2°16'19 E and a chord distance of twenty-eight and thirty-seven hundredths feet (28.37') to a point; thence

Southeasterly	and curving to the left along the arc of a curve having a radius of twelve and ninety-six hundredths feet (12.96'), a length of twelve and sixty-five hundredths feet (12.65') a chord bearing of S 42°57'16 E and a chord distance of twelve and fifteen hundredths feet (12.15') to a point; thence
S 82°29'28" E	a distance of five and twenty-seven hundredths feet (5.27') to a point; thence
N 79°27'41" E	a distance of thirty and thirty-one hundredths feet (30.31') to a point; thence
S 10°32'19" E	a distance of six and fifty hundredths feet (6.50') to a point; thence
Easterly	and curving to the left along the arc of a curve having a radius of one hundred eight and eighty-three hundredths feet (108.83'), a length of eighteen and eighty-five hundredths feet (18.85') a chord bearing of N 73°51'04 E and a chord distance of eighteen and eighty-two hundredths feet (18.82') to a point; thence
Northeasterly	and curving to the left along the arc of a curve having a radius of ninety-five and ninety-seven hundredths feet (95.97'), a length of thirty-six and twenty-three feet (36.23') a chord bearing of N 61°11'43 E and a chord distance of thirty-six and three hundredths feet (36.03') to a point; thence
Northeasterly	and curving to the left along the arc of a curve having a radius of sixty-four and no hundredths feet (64.00'), a length of twenty-nine and sixty-three hundredths feet (29.63') a chord bearing of N 37°21'55 E and a chord distance of twenty-nine and thirty-seven hundredths feet (29.37') to a point; thence
Northerly	and curving to the left along the arc of a curve having a radius of eight and twenty hundredths feet (8.20'), a length of eight and thirty-six hundredths feet (8.36') a chord bearing of N 4°14'48 W and a chord distance of eight and one hundredths feet (8.01') to a point; thence
N 33°32'39" W	a distance of sixty-seven and thirty-eight hundredths feet (67.38') to a point; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of two hundred seven and fifty hundredths feet (207.50'), a length of twenty-three and eighty-eight hundredths feet (23.88') a chord bearing of N 36°50'30 W and a chord distance of twenty-three and eighty-seven hundredths feet (23.87') to the point of beginning.

Excepting a portion of the area described above which is contained within the limit of the area described above commencing at a point on the southwesterly sideline of Water Street two hundred fifteen and thirty-eight hundredths feet (215.38') southeasterly, and along the southwesterly sideline of Water Street from its intersection with the easterly sideline of Galen Street; thence S 63°20'38" W a distance of nineteen and thirty-seven hundredths feet (19.37') to the point of beginning of the excepted area; thence

Northwesterly	and curving to the left along the arc of a curve having a radius of thirty-four and no hundredths feet (34.00'), a length of ten and twenty-two hundredths feet (10.22') a
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	chord bearing of S 65°17'08 W and a chord distance of ten and eighteen hundredths feet (10.18') to a point; thence
S 56°40'28" W	a distance of sixteen and twenty-eight hundredths feet (16.28') to a point; thence
Southwesterly	and curving to the right along the arc of a curve having a radius of two hundred eleven and fifty hundredths feet (211.50') a length of thirty-two and forty-four hundredths feet (32.44') a chord bearing of S 61°04'05 W and a chord distance of thirty-two and forty hundredths feet (32.40') to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of two and fifty hundredths feet (2.50') a length of one and eighty-six hundredths feet (1.86') a chord bearing of S 44°08'31 W and a chord distance of one and eighty-two hundredths feet (1.82') to a point; thence
S 22°49'20" W	a distance of ten and fifty-four hundredths feet (10.54') to a point; thence
S 68°32'17" W	a distance of four and fifty-eight hundredths feet (4.58') to a point; thence
S 69°07'26" W	a distance of twenty-three and ninety-four hundredths feet (23.94') to a point; thence
Westerly	and curving to the right along the arc of a curve having a radius of one hundred sixty-eight and fifty hundredths feet (168.50') a length of thirty-five and fourteen hundredths feet (35.14') a chord bearing of S 75°05'55 W and a chord distance of thirty-five and eight hundredths feet (35.08') to a point; thence
N 55°38'01" W	a distance of eleven and two hundredths feet (11.02') to a point; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of two and fifty hundredths feet (2.50') a length of one and eighty-six hundredths feet (1.86') a chord bearing of N 76°55'35 W and a chord distance of one and eighty-two hundredths feet (1.82') to a point; thence
N 02°08'52" W	a distance of forty-two and thirty hundredths feet (42.30') to a point; thence
Easterly	and curving to the left along the arc of a curve having a radius of twenty-four and fifty hundredths feet (24.50') a length of seven and sixty-nine hundredths feet (7.69') a chord bearing of S 85°15'50 E and a chord distance of seven and sixty-six hundredths feet (7.66') to a point; thence
Northeasterly	and curving to the left along the arc of a curve having a radius of one hundred forty-nine and fifty hundredths feet (149.50') a length of ninety-one and sixty-two hundredths feet (91.62') a chord bearing of N 68°11'06 E and a chord distance of ten and eighteen hundredths feet (90.19') to a point; thence
Northeasterly	and curving to the left along the arc of a curve having a radius of sixty-nine and fifty hundredths feet (69.50') a length of twenty and fifteen hundredths feet (20.15')

a chord bearing of N 42°19'25 E and a chord distance of twenty and eight hundredths feet (20.08') to a point; thence

S 33°19'32" E

a distance of forty-four and eighty-nine hundredths feet (44.89') to the point of beginning of the excepted Area.

said Easement containing 17,598 square feet or 0.404 acres more or less.

EXHIBIT C
CERTIFIED COPY OF CITY COUNCIL VOTE

GRANT OF EASEMENT
(HIGHWAY EASEMENT AGREEMENT)
(51-57 WATER STREET, WATERTOWN, MA)

This GRANT OF EASEMENT ("Grant") is entered into as of the ____ day of _____, 2024 by and between **51 Water Street LLC**, a Delaware limited liability company ("Grantor"), having a mailing address of c/o Boston Development Group, 93 Union Street, Newton, Massachusetts 02459, and the **City of Watertown**, a Massachusetts municipal association ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

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

A. Grantor is the owner of, *inter alia*, a certain parcel of land, commonly identified as 51-57 Water Street, containing approximately 2.515 acres located in the City of Watertown, Middlesex County, Massachusetts and more particularly described in that certain Quitclaim Deed recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 33000, Page 533, as affected by a conveyance by Grantor more particularly described in that certain Quitclaim Deed recorded with the Registry in Book 77347, Page 85 (such 2.515 acre

parcel of land, the "Grantor Parcel"). The Grantor Parcel abuts Water Street, a public way of the City.

B. In connection with certain zoning approvals granted to Grantor's affiliate by the Zoning Board of Appeals of the City of Watertown ("ZBA") on January 27, 2021 in Case Number ZBA-2020-22 SP/SR, which zoning approvals were granted in connection with the Grantor's affiliate's development of the Grantor Parcel (the "ZBA Decision") and run with the land, Grantor's affiliate committed to grant to the City an easement for highway purposes in that portion of the Grantor Parcel shown respectively as "Highway Easement Area" on that certain plan of land entitled "Lot 3A, Highway Easement Plan in Watertown, Massachusetts", dated March 22, 2022 and revised September 21, 2023, prepared by VHB, Inc., which plan (the "Plan") is recorded with the Registry herewith as Plan ____ of 2024, of which a true and accurate copy of the Plan is attached hereto as Exhibit A. The above highway easement area is hereinafter referred to as the "Highway Easement Area." A legal description of the Highway Easement Area is set forth in Exhibit B attached hereto. The ZBA Decision is recorded with the Registry in Book 77157, Page 268.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Highway Easement from Grantor to the City. Grantor hereby grants to the City, and to the general public, subject to the terms hereof and limited to the extent of Grantor's interest in the Highway Easement Area, the perpetual non-exclusive right and easement (the "Highway Easement"), in common with the Grantor, to use the Highway Easement Area for highway purposes, including, without limitation, public use, construction, installation, operation,

maintenance, repair, and replacement of sidewalks, crosswalks, wheelchair ramps, street lights, landscaping, street trees, bus shelters, inspector booths, street signs, traffic control signs, fire hydrants, fire alarm systems, traffic control devices, and traffic lights and other traffic signal devices, including all appurtenances to the foregoing (collectively, the “Highway Improvements”), together with pedestrian and vehicular access (except as hereinafter limited) by the City, and not the general public, to, in, over, under, through, across, upon, on and along the Highway Easement Area for purposes of the construction, installation, operation, maintenance, repair, and replacement of the Highway Improvements pursuant to Section 5 and performance of all acts incidental (collectively, the “Highway Right”). The Highway Right also includes, without limitation, the right of the City, in common with the Grantor, to place, install, construct, and replace in, on, along, under, and upon the Highway Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of municipal water, sewer, drainage, fire protection, and other utility services, together with the right of the City to grant, in common with the Grantor, to private utility providers the perpetual non-exclusive right and easement to place, install, construct, and replace in, on, along, under, and upon the Highway Easement Area pipes, conduits, lines, manholes and other appurtenances necessary for the transmission of utility services, including, without limitation, gas, electricity, telephone, internet, intelligence, fire protection, and cable services. Notwithstanding the foregoing, all pipes, lines, conduits, and appurtenances shall be underground; only manhole covers and grates and other utility appurtenances may be located at ground level; provided, however, with respect to such other utility appurtenances, such ground level placement shall be permitted only if it is reasonably necessary for the provision of utility services. Grantor has the obligation, at its sole cost and expense, to construct within the Highway Easement Area those Highway Improvements

required by the City in the ZBA Decision or in connection with the development of the Grantor Parcel pursuant to the ZBA Decision. Notwithstanding anything to the contrary contained in this Grant, the rights of the general public upon or under the Highway Right are limited to the use of the Highway Improvements; the general public has no right upon or under the Highway Right to construct, install, maintain, repair, or replace any Highway Improvements or the Highway Easement Area. The City's exercise of the Highway Easement shall not unreasonably interfere with Grantor's use of the Grantor Parcel, as set forth in Paragraph 3 below.

2. Limitations on Use of Sidewalks. Notwithstanding anything to the contrary contained in this Grant, with respect to any portion of the Highway Easement Area consisting now or hereafter of a sidewalk, the right of the City and the public to use, pursuant to the Highway Easement, such sidewalk shall not be deemed to include any rights for motor vehicles, motorcycles, or other motorized transportation devices to pass or repass on, across or over any sidewalk portion of the Highway Easement Area, other than (i) any mobility device, or (ii) in connection with the maintenance, repair or replacement of any sidewalk portion of the Highway Easement Area, including, without limitation, snow removal from such sidewalk portion. The term "mobility device," as used in this instrument, means a wheelchair, crutch, cane, walker, or other device, both motorized and non-motorized, that functions similarly to allow an injured or disabled person increased mobility for sidewalk travel. Additionally, the right of the City and the public to use, pursuant to the Highway Easement, any sidewalk portion of the Highway Easement Area shall not be deemed to include a right to park bicycles (except where authorized through the appropriate location of a bike storage rack or rental docking station) or motor vehicles, motorcycles, or other motorized or non-motorized transportation devices within any sidewalk portion of the Highway Easement Area at any time. Further, the City and/or any

member of the public shall not place within any sidewalk portion of the Highway Easement Area any obstructions (except for temporary obstructions by the City necessary in connection with the maintenance, repair or replacement of the Highway Easement Area).

3. Reserved Rights. The Highway Easement hereby granted does not grant to the City or the public any rights to, in, over, under, through, across, upon, on and along any portion of the Grantor Parcel other than the Highway Easement Area. Grantor reserves the right to continue to use the Highway Easement Area, in a manner that does not unreasonably interfere with the Highway Easement, including, without limitation: (a) to erect, outside of and along any sidewalk portion of the Highway Easement Area, such fences, vegetated buffers, or other measures it deems reasonably necessary or appropriate; (b) to install and maintain landscaping within any sidewalk portion of the Highway Easement Area up to the paved edge of the pedestrian path located within the sidewalk portion of the Highway Easement Area; (c) to establish such driveways, roads, paths or other traveled ways within the Grantor Parcel, including but not limited to vehicular and pedestrian connections between the Grantor Parcel and any sidewalk portion of the Highway Easement Area, that do not unreasonably interfere with the exercise of the Highway Easement, as well as vehicular connections between the Grantor Parcel and Water Street; (d) to repair, replace, improve, maintain and use the sidewalk portion of the Highway Easement Area; (e) at the option of the Grantor, to repair, maintain, and replace the City Highway Improvements (as that term is defined hereinafter), where the City shall have failed to repair, maintain, or replace the same and such failure shall have continued for ten (10) days after written notice to the City by Grantor of such failure (except that no prior notice shall be required in the event of an emergency, but notice shall be given thereafter as soon as practicable); and (f) to use, or to grant to others the right to use, any sidewalk portion of the

Highway Easement Area for any and all purposes, provided only that such use shall not materially interfere with the exercise of the Highway Easement.

4. Release. It is the intention of the parties that access to the Highway Easement Area, including, without limitation, the sidewalk portions thereof, shall be used for recreational purposes and shall be free of charge or fee and that to the fullest extent permitted by law, the Highway Easement constitutes an “interest in land” under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections), and that Grantor and all those claiming by, through or under Grantor, shall be afforded all of the rights, protections, privileges and benefits granted thereunder, and as such, Grantor and all those claiming by, through or under Grantor, shall not be liable for personal injuries or property damage sustained by members of the public in connection with the rights granted hereunder including, without limitation, a minor or any other person on the Highway Easement Area. In the exercise of the easement rights created hereunder, City and those claiming by, through or under City (including without limitation, City’s employees, agents and contractors) (the “City Parties”), shall do so at their own risk, except as expressly provided herein. Grantor, its consultants, contractors, agents, licensees or invitees, and its affiliates, managers, members, partners, officers, directors, stockholders, attorneys, employees, predecessors, successors and assigns shall be free from all liability and claims for damages, together with all related costs, arising out of, related to or in connection with the exercise by City or City Parties of the rights granted hereunder, including but not limited to any such liability and/or claims with respect to release of any Hazardous Substances (as defined in this Section 4) regulated by or noncompliance with any Environmental Laws (as defined in this Section 4) caused by or related to City’s or City Parties’ exercise of the rights granted under this Agreement.

The term “Environmental Laws” includes without limitation the Resource Conservation and Recovery Act, 42 USC Sections 6901 et seq., and the Comprehensive Environmental Response Compensation and Liability Act, 42 USC Sections 9602 et seq., and other federal laws governing the environment as in effect on the date of this Grant together with their implementing regulations and guidelines and all state, regional, county, municipal and other local laws, regulations and ordinances that are similar to such federal laws or that regulate Hazardous Substances. The term “Hazardous Substances” includes petroleum, asbestos, lead, radon, mold, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas or such synthetic gas), and any substance, material, waste, pollutant or contaminant listed or defined as hazardous or toxic under any Environmental Law.

The City shall neither be liable for damages arising from the violation of any Environmental Laws with respect to the Highway Easement Area nor from the presence or release of Hazardous Substances with respect to the Highway Easement Area, in each instance arising from the negligent or intentional acts of the Grantor or the presence or release of Hazardous Substances existing or occurring prior to the date of this Grant (except to the extent exacerbated by the City).

5. Performance of Work. The Grantor shall be responsible for the maintenance, repair and replacement of the Highway Improvements located in the Highway Easement Area, except for the City Highway Improvements (as that term is defined hereinafter). The maintenance responsibilities of the Grantor include snow and ice removal of the sidewalks located in the Highway Easement Area. The term “City Highway Improvements,” as used in this instrument, means street lights, street signs, traffic control signs, crosswalks, fire hydrants, fire alarm systems, traffic control devices, traffic lights and other traffic signal devices, including all

appurtenances to the foregoing. The City shall be responsible for the maintenance, repair and replacement of the City Highway Improvements located in the Highway Easement Areas. The City may maintain, repair, and replace any Highway Improvements located in the Highway Easement Area that the Grantor is obligated to, and has failed to, maintain, repair, or replace hereunder; provided, however, prior to the performing any such work, the City, except in the event of emergency, for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable, shall have given prior written notice to Grantor of the Grantor's failure to maintain, repair, or replace, together with the details with respect to such failure, and Grantor shall have failed to make such maintenance, repair, or replacement within ten (10) days of Grantor's receipt of such notice (except that no prior notice shall be required in the event of an emergency, but notice shall be given thereafter as soon as practicable). Any construction, maintenance or replacement work to be performed by the City within the Highway Easement Area pursuant to the Highway Easement (i) shall be performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and regulations and (ii) shall be performed to the extent practicable in a manner that causes the minimum of interference with the use and enjoyment of the Grantor Parcel by the Grantor. The City agrees, except in the event of emergency, for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable, to give Grantor 48 hours' prior notice (which may be oral) or ten (10) days' prior written notice in the event of Grantor's failure to maintain, repair or replace, as provided above, of any construction, maintenance or replacement work within the Highway Easement Area, and, further, shall make all reasonable efforts to ensure vehicular access to the Grantor Parcel at all times, provided, however, the parties acknowledge that such access may be obstructed for periods of limited duration. The City shall cause any

contractor performing any work under this Grant for the City to have adequate commercial general liability insurance and workers' compensation insurance. Such insurance shall name Grantor as an additional insured and shall be carried by a reputable insurance company or companies qualified to do business in the Commonwealth of Massachusetts. Upon written request from the Grantor, City shall furnish, or cause to be furnished, to Grantor one (1) or more certificates of insurance evidencing the existence of the insurance required to be carried pursuant to this Section 5. In the event that any contractor, subcontractor or other person or entity engaged directly or indirectly on behalf of the City in connection with the performance of any work within the Highway Easement Area records or files any lien or other encumbrance against any portion of the Grantor Parcel (including the Highway Easement Area), the City shall take such action, at its sole cost and expense, to cause such lien or other encumbrance to be dissolved or released as soon as reasonably practicable.

6. Restoration. In connection with any construction or other work by the City within the Highway Easement Area pursuant to the Highway Easement, at the sole cost and expense of the City, the City shall, promptly, at its option, either (i) restore, as close as reasonably practicable, said land or area to the condition said land or area was in immediately prior to such exercise (including any landscaping or similar improvements) to the extent consistent with the City's exercise of its rights hereunder or (ii) restore such land or area consistent with the standards and practices of the Department of Public Works of the City. If the City, or any person claiming by, through, or under the City causes any damage to the Highway Easement Area, at the sole cost and expense of the City, the City shall promptly, at its option, either restore the same, to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable, or restore such land or area consistent with the standards and practices of the

Department of Public Works of the City. If the City, or any person claiming by, through, or under the City causes any damage to any part of the Grantor Parcel not comprising the Highway Easement Area, the City shall promptly restore the same, at its sole cost and expense, to the condition the Grantor Parcel was in prior to such damage, as close as reasonably practicable.

7. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, pandemic, work stoppages arising out of collective bargaining strikes, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.

8. Bind and Inure. The rights created hereby shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns, including, in the case of the City, the public; provided, however, that the Grantor shall only be responsible hereunder for matters occurring and claims arising during its period of ownership of the Grantor Parcel. No partner, member, shareholder, trustee, beneficiary, director, officer, manager, or employee of Grantor, or any partner of Grantor, or any affiliate of Grantor, shall have any personal liability under this Grant. In addition, no party to this Grant shall have personal liability under this Grant. In the event any person obtains a judgment against Grantor in connection with this Grant, such person's sole recourse shall be to the estate and interest of Grantor in and to Grantor Parcel. No employee, official, agent or representative of the City shall have personal liability under this Grant. Notwithstanding anything to the contrary contained in

this Grant, in the event of any breach of any term, condition, or obligation hereof, the sole remedy of any party shall be an action at law for money damages or a suit in equity for specific performance or other equitable relief, but no such breach shall operate as a forfeiture, reversion, or termination of any rights granted or arising hereunder.

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

If to Grantor, addressed to:

51 Water Street LLC
c/o Boston Development Group
93 Union Street
Newton, MA 02459
Attention: Manager

With a copy to:

51 Water Street LLC
c/o The Davis Companies
125 High Street, #2111
Boston, MA 02110
Attention: General Counsel

If to the City, addressed to:

City of Watertown
149 Main Street
Watertown, MA 02472
Attention: City Manager

10. Estoppel. Each party shall, without charge and from time to time, deliver within thirty (30) days of written request by the other party, a certificate (addressed to the requesting

party and/or its potential lenders, tenants and purchasers) with respect to the status of this Grant and each party's obligations thereunder.

11. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants, easements and other encumbrances of record, whether now or hereafter existing, to the extent in force and applicable, with the exception of monetary encumbrances, for which a subordination shall be obtained and recorded.

12. Authority. Each party hereto hereby represents and warrants to the other parties that (i) the person executing and delivering this Agreement on behalf of such party has been duly authorized by all requisite action, and (ii) when fully executed and delivered, this Agreement shall constitute the binding agreement of such party, enforceable in accordance with its terms.

13. Attorneys' Fees and Costs. In the event any party is required to resort to litigation to enforce its rights under this Agreement, the prevailing party in such litigation will be entitled to collect from the other party all costs, expenses and attorneys' fees (including the fees of any in-house legal staff of any party or their affiliates) incurred in connection with such action.

14. Waiver of Jury Trial. Each party acknowledges and agrees it hereby irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any litigation directly or indirectly arising out of the agreements delivered in connection herewith or the transactions contemplated hereby or thereby. Each party certifies and acknowledges that (a) no representative, agent or attorney or any other person has represented, expressly or otherwise, that such other person would not, in the event of litigation, seek to enforce such waivers, (b) it understands and has considered the implications of such waivers, (c) it makes such waivers voluntarily, and (d) it has been induced to enter into this Agreement by, among other things, the mutual waivers and certifications in this Section 14.

15. No Third Party Beneficiaries. This Agreement is entered into for the exclusive benefit of the parties hereto and the parties expressly disclaim any intent to benefit anyone not a party hereto.

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

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

18. Notice of Activity and Use Limitation. The Grantor Parcel is subject to the Notice of Activity and Use Limitation dated February 15, 2001 recorded with the Registry in Book 32372, Page 33 and filed with the Middlesex South Registry District of the Land Court as Document No. 1162937.

[Signatures on the Following Pages]

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

GRANTOR:

51 Water Street LLC,
A Delaware limited liability company

By: _____
Name:
Title:
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____ ss.

On this _____ day of _____, 2024 before me, the undersigned notary public, personally appeared, a _____ of 51 Water Street LLC, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity.

[City signatures on next page]

ACCEPTANCE OF EASEMENT

On this ____ day of _____, 2024, the City of Watertown, acting by and through its City Manager pursuant to the vote taken by the City Council on _____, 2024, a certified copy of which is attached hereto as Exhibit C, hereby accepts the Highway Easement contained in the foregoing Grant of Easement granted to the City by Grantor, which is recorded herewith.

CITY OF WATERTOWN

Name: George Proakis
Title: City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

Name:
Title: City Attorney

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared George Proakis, the City Manager of the City of Watertown, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

Notary Public
My commission expires: _____

EXHIBIT A
PLAN OF HIGHWAY EASEMENT AREA

EXHIBIT B
HIGHWAY EASEMENT AREA

Legal Description Lot 3A Highway Easement

A certain Easement situated in the Town of Watertown, the County of Middlesex, and in the Commonwealth of Massachusetts being shown as Water Street Highway Easement Area on a plan entitled "Lot 3A Highway Easement Plan of Land in Watertown Massachusetts Prepared for 51 Water Street LLC" Scale: 1"=20', Dated September 21, 2023, and prepared by Vanasse Hangen Brustlin, Inc. bounded and described as follows:

Beginning at a point on the southwesterly sideline of Water Street five hundred forty-one and seventy-seven hundredths feet (541.77') southeasterly, and along the southwesterly sideline of Water Street from its intersection with the easterly sideline of Galen Street, being the northeasterly corner of Lot 3A and being the northeasterly corner of the herein described Easement; thence

S 33°27'24" E	a distance of one hundred forty-eight and eighty-eight hundredths feet (148.88') along the southwesterly sideline of Water Street to a point; thence
S 56°32'36" W	a distance of twelve and eighty-five hundredths feet (12.85') to a point; thence
N 28°28'12" W	a distance of one hundred forty-eight and eighty-seven hundredths feet (148.87') to a point on the northwesterly boundary line of Lot 3A; thence
N 56°30'50" E	a distance of twelve and eighty-five hundredths feet (12.85') along the northwesterly boundary line of Lot 3A to the point of beginning.

said Easement containing 1,913 square feet or 0.044 acres more or less.

EXHIBIT C

CERTIFIED COPY OF CITY COUNCIL VOTE



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: January 3, 2024

RE: Agenda Item – Amendment to Resolution to Undertake the Creation of a Watertown Square Cultural District

At the November 14, 2023 City Council Meeting, a Resolution Undertake the Creation of a Watertown Square Cultural District was unanimously passed. Attached is a request to amend the Resolution to increase the cultural district designation period from five (5) years to ten (10) years, per recent change in the state designation period.

Thank you for your consideration in this matter.



City of Watertown

Community Development & Planning
149 Main Street
Watertown, MA 02472
617-972-6417
www.watertown-ma.gov
ehelfer@watertown-ma.gov

To: George Proakis, City Manager
From: Liz Helfer, Public Arts & Culture Planner
Date: January 3, 2024
RE: Amendment to Resolution to Create a Cultural District

This memo outlines a recommended amendment to the Resolution to Undertake the Creation of a Watertown Square Cultural District (2023-R-83). After review of the application from the City of Watertown to create a Cultural District designation authorized by the state of Massachusetts, the Massachusetts Cultural Council recommends a simple amendment to the Resolution to increase the period from five years to ten years, per recent change in the state designation period.

Resolution 2023-R-83 reads:

“NOW THEREFORE BE IT RESOLVED: that the City of Watertown undertake creation of a state-authorized cultural district for a period of at least (5) years to be names the Watertown Square Cultural District [...]”

The recommended amendment would read:

“NOW THEREFORE BE IT RESOLVED: that the City of Watertown undertake creation of a state-authorized cultural district for a period of at least (10) years to be names the Watertown Square Cultural District [...]”

Therefore, I would respectfully request consideration of this matter by the Honorable City Council at an upcoming Council meeting. Thank you for your consideration in this matter.

Cc Steve Magoon, Asisstant City Manger for CDP



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

Report of the Committee on Economic Development & Planning Meeting Date: December 18, 2023

The Committee convened on Monday December 18, 2023 at 6:00 pm in the City Council Office, as a hybrid meeting with remote participation by Zoom. Present was Lisa Feltner, chair; and attending by Zoom was Vincent Piccirilli, secretary. John Gannon, vice chair, was absent. The purpose of the meeting was to conduct Historic District Commission interviews.

Councilor Feltner stated that Elizabeth Hayes was scheduled to be interviewed, but was not able to make the meeting.

Robert Bloomberg (by zoom) is seeking reappointment to the Historic District Commission as the Historical Society appointee. Trained as a historian, he is concerned about preserving our history, and that changes made to the original buildings in the District are in harmony to maintain their character. He sees the Mt. Auburn Street reconstruction as an opportunity to differentiate the Historic District through signage or other street elements.

Jae Hyoung Kim is an architect and is seeking reappointment to the Historic District Commission as the AIA (American Institute of Architects) appointee. He has just completed his first year on the Commission, with the opportunity to participate in several decisions, and he is excited for continuing to serve. He spoke about his work appearing before Historic District Commissions in other cities and towns, and how that informs his work in Watertown. He would like the Commission to have input on signage on Mt. Auburn Street to highlight the Historic District.

- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Feltner, to recommend that the City Council confirm Robert Bloomberg for reappointment as the Historical Society member to the Historic District Commission for a term to expire November 15, 2026. The vote was 2-0 by a roll call vote.
- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Feltner, to recommend that the City Council confirm Jae Hyoung Kim for reappointment as the AIA member to the Historic District Commission for a term to expire November 15, 2026. The vote was 2-0 by a roll call vote.

The meeting adjourned at 6:40 pm by a roll call vote.

Report prepared by Vincent Piccirilli



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: January 4, 2024

RE: Request for Confirmation – Appointment and Reappointments to the Public Arts & Culture Committee

Pursuant to the provisions of the Watertown Home Rule Charter and Town Council Ordinance 2007-46, An Ordinance on the Timing and Process of Appointments to Town Boards, Commissions and Committees, I am transmitting herewith a request for appointment and reappointments to the Public Arts & Culture Committee which requires Council confirmation.

- Jason Wilson – Appointment as a member of the Public Arts & Culture Committee to a term expiring November 15, 2024
- Roberta Miller – Reappointment as a member of the Public Arts & Culture Committee to a term expiring November 15, 2026
- Erin Webb – Reappointment as a member of the Public Arts & Culture Committee to a term expiring November 15, 2026

Thank you for your anticipated consideration in this matter.