

TOWN COUNCIL MEETING MINUTES OF AUGUST 16, 2022

President Letterie calls meeting to order at 7:02 PM also announcing Zoom information

ROLL CALL

Present: Councilor Honan, Councilor Fucillo (Zoom), Councilor Munson Councilor Belcher, Councilor DeMarco
Councilor Flockhart, Councilor Aiello, Vice President Ruggiero, President Letterie

PLEDGE OF ALLEGIANCE

Councilor Munson

MINUTES

Motion by Councilor Belcher to accept Minutes of August 2, 2022, as circulated
2nd by Councilor Flockhart
Passed Unanimously

GENERAL INFORMATION AND RECOMMENDATIONS

Presentation- Facilities Needs Assessment and software presentation from Brightly (Formerly School Dude) – Evan Barker & Luke Anderson

Discussion on the current condition of facilities, where do we need to go, what do we need to do, maintain our equipment.

Discussion with Town Council on operations and facility needs with budget and school needs.

PUBLIC HEARING(S)

None

PUBLIC COMMENT

Joanne Hillman P6-Opposes tree being cut down on Somerset Ave. Discusses the moratorium that was put in place so no trees could be cut.

Jack Dowd P3-Discusses the \$75,000 from the Winthrop Foundation donation, the \$15,000 from the trees being taken down at Atlantis and would like these funds to be used for tree budgets. He's noticed large trees cut down for no reason. Opposes the cutting of the tree on Somerset Ave. Discusses the alternatives that can be done in lieu of cutting tree down. Requests pictures to be included in the minutes

Frank Constantino-Opposes tree coming down on Somerset Ave. It is a healthy tree and there are other ways to handle this.

Maureen McAdams P5-Discusses being an abutter to Fisherman's Bend and a tree was cut down by a neighbor and they were fined \$4,000 but this money did not go into the Tree Fund. Wants to make sure any funds go into the Tree Fund.

Suzanne Swope-Opposes Tree being cut down on Somerset Ave.

Tim Duplin-Tree Committee Member discusses the tree on Somerset Ave.as being a good strong tree. This is a tree worth saving. Asks Town to spend money on trees, there should be a fund and the town take notice on our trees.

Dianne Veins P2-Thanks people for caring about the trees in Winthrop and the Tree Ordinance that was written. She opposes the tree being cut down on Somerset Ave.

Tom Dederian-Tree Committee Member-Not only should we be dealing with trees, but this affects our climate changes in the town. The trees indicate a lot more than a question of being cut down, they are the beginning of helping with this climate change that we will face.

Miriam Fiore-Opposes the tree being removed on Somerset Ave. Does not agree with Pathfinder report. Bases on the other two reports, they both attested to tree being in good health and not to cut down.

Stacy Hart-Member ADA Compliance-The ADA does not automatically think tree should be cut down, there are other ways to handle this. Also there are grants for the town to review as for checking ADA Compliances in the town.

Mike DiLuiso-It has been 436 days (6-7-2021) since this began and the tree still stands. This tree is a danger and will cost Winthrop money with law suits.

Lucy DiLuiso-Discusses the alternative in lieu of cutting down the tree and the expenses that would occur, \$25,000-\$35,000 to fix sidewalk. \$200,000 for a bump out...this tree needs to be cut down for safety reasons and request the Town Council consider cutting down.

Public Comment Closed

CORRESPONDENCE

None

COMMITTEE REPORTS

Rules & Ordinance and Finance Committee

Vice President Ruggiero reports on the meeting that and reviewing the Charter Review Committees Recommendations. Review will continue at several meetings.

TOWN MANAGER REPORT

Town Manager Marino reports that he has met with neighbors on Faunbar Ave that are interested in purchasing the land behind their homes. Working on further information, concerns, conceptual design before any final procedure of sale begins.

Continue review of Atlantis Ave. Tree cut downs. Working on invoice to be sent as soon as possible.

Fire Union Contract Settled

DPW-Closed

Beginning Negotiations:

Clerical-Library-Police

Lydia Edwards Ferry Ride- Friday 12PM

Newly Hired Treasurer-Brendan Curritte

Assistant Treasurer-Imani Combs

Consulting Assessor-Patrick Harring

Meeting Citizens Finance Committee to discuss the closing of the FY22

Discusses the tree at 190 Somerset, cost to take down \$7,000. Though tree should have been taken down in 2011 when upgrades done of course there are alternatives that are costly and we would lose a parking spot. How does town want to address issues of trees doing the same thing as 190, we must get a policy in force. Crosswalks cost \$10,500 and a parking spot is lost. With the ADA we should have a policy with sidewalks and how to make accessible in the future, how does the town want to address these issues? We should have a 504 Co-coordinator, he will take this issue on for now. It is usually the Building Commissioner, but it will be discussed. Reviews the 3 reports. One is questionable but the other two are worthy. The town could be potentially liable for any damages of this tree. A lawsuit would cost the town money. Must lay out cost benefit / risk award...we must look at these issues. The Town Managers recommendation is to take the tree down, fix sidewalks and plant 3 more trees.

Vice President Ruggiero-Question on detour of traffic going through Highlands and they are going through quite quickly, could the police review this area and car speeds.

Councilor Flockhart-She has already raised this issue and does not see police paying attention. This needs to be addressed.

Councilor DeMarco-Agrees with this problem of cars speeding through this detour.

Councilor Munson thanks the Town Manager for his review of this tree issue. He is curious of the liability issues. Isn't the town liable for any tree that is not safe?

Town Manager answers yes, we would be responsible.

This problem is that there have already been several complaints of safety of this tree, this would not help our fight.

Councilor Aiello would like thoughts on migrating similar programs as the Facility Presentation that was done this evening to all aspects of departments.

Town Manager answers yes this is currently being worked on

Councilor Aiello also states that Woodard & Curran are good but what about a little competition?

Discusses a database for the Town Council on what is being worked on and reviewed. Discusses the private use of the parking lot in the back of the Methodist. Spots that belong to Town should not be used. We should be getting answers for the public. Happy with the ADA Update. We need a transition plan, there are grants available. He thinks it's important that the potential liability that the tree provides on 190 Somerset is the same for any tree in Winthrop, there are plenty the same case. There were two reports that no immediate threat of this tree falling. We probably have less liability against this tree than others in Winthrop.

Council President Letterie reports children going back to school. Thanks DPW for crosswalk updates. Asks about the current construction near the schools and are they getting ready for school to begin and safety for people. DPW Director states that this is currently being reviewed while children being in school.

The E.B. Newton tower construction has begun. He thanks former Councilor Ferrino for his help on work getting done.

Vice President Ruggiero asks if CBD project complete
DPW Director answers, very close!

Councilor DeMarco asks if there is a possibility for a crossing guard capacity for people to go down Bayou Street to schools.

DPW Director states that crossing guards are up to the school and he does not believe Bayou is the way to go school as there are definite safety issues with this private way.

Councilor Flockhart brings up Fremont St. project and asks current status?
Town Manager replies that it is currently coming before the Planning Board for further review.

SCHOOL DEPARTMENT

Council President reports on the School Committee meeting as being very short. Mainly discussed the opening of the new school year. Our children's safety is the number one concern.

OLD BUSINESS

Motion by Councilor DeMarco to remove the tree from 190 Somerset Ave.

2nd by Councilor Belcher

Discussion with Town Councilors of this tree issue

Councilor Flockhart-Opposes cutting down tree but does feel bad for property owner who does have problems with this tree.

Vice President Ruggiero-This has been a long time coming, it is unprecedented for the Town Council to be making a decision on removal of a tree. It is with the Town Council due to MGL laws. We are neither selectmen or Mayor, he does not think legislative government should have this decision. Quotes on MGL and it seems that there is not enough information to make a definite decision. There is a not a proposal to take down and there is not enough information to on this.

Councilor Aiello-Believes our only choice is to leave tree in place. Does not want to start other liability problems with other trees in this town. If the homeowner feels they have been harmed, they can petition the town for costs. Leave the tree in place. Work to get a grant to have the town do a complete ADA Evaluation

Councilor DeMarco agrees with Councilor Aiello but believes this tree needs to come down. He also agrees with Vice President Ruggiero. This decision should have been decided by the Tree Warden. He feels this is not our decision, we are not the experts but because it is before us financially it would cost the town too much.

Councilor Belcher, there are a lot of issues to decide on. The financial cost alone would hurt the town. Though there are several arguments for keeping this tree up, she believes it should come down and does not believe this will set a Precedent among the residents.

Councilor Munson has a pro tree attitude as most people do, including the owners. He believes the solution is keep the tree and do the crosswalks. We cannot operate with the fear of always being sued. The tree should not be cut down.

Councilor Honan, states we have expert reports from arborist that the tree is healthy. Does not believe that parking will really be effected. We need to maintain a canopy, we need to think not just street wise but town wise with our trees. She does not believe tree should be removed.

Councilor Fucillo-No comment

President Letterie states all good comments and we also have options. His concern with crosswalks is that we are checking boxes with crossing but there is a problem with people with disabilities trying to maneuver around this tree. Our job is to watch out for the economics of the town.

Councilor Aiello motions to move the question

2nd by Councilor Flockhart

Roll call- Yes vote would remove tree / No vote would keep tree in current condition

Councilor Honan No

Councilor Fucillo (Zoom) Yes

Councilor Munson No

Councilor Belcher Yes

Councilor DeMarco Yes

Councilor Flockhart No

Councilor Aiello No

Vice President Ruggiero No

President Letterie Yes

Motion does not pass

The Tree will not be removed

Motion by Councilor Munson to implement the crosswalks around the 190 Somerset Tree

2nd by Councilor DeMarco

Discussion

Councilor Munson would like consent with neighbors also to pursue crosswalks as soon as possible.

Town Manager would like this referred to his office.

Councilor Munson withdraws his motion

Councilor DeMarco withdraws the 2nd of the motion

These withdrawals are due to the Town Council directing the Town Manager along with the DPW to make sure that this crosswalk option is reviewed and that the neighbors are made aware of progress.

NEW BUSINESS

Motion by Councilor DeMarco to waive the Town Council Rule 2 of the Council Rules & Procedures to reschedule The 9-6-22 Town Council Meeting to a special meeting on 9-7-22, with agenda to follow due to the State Primary Election

2nd by Councilor Flockhart

ROLL CALL VOTE

Approve Motion: Councilor Honan, Councilor Fucillo (Zoom), Councilor Munson Councilor Belcher, Councilor DeMarco Councilor Flockhart, Councilor Aiello, Vice President Ruggiero, President Letterie

Council President refers to the Finance Committee that the Town Council vote to Transfer \$195,000.00 from the Salary Reserve Account to the Fire Department Budget to cover the costs associated with the FY22-FY24 collective bargaining agreement.

Motion by the Council President to re-appoint Karen Wynn for one year to the Conservation Commission for a term to end on June 30, 2023

2nd by Councilor DeMarco

Motion Passes

Motion by the Council President to re-appoint Diane Mackin for one year to the Board of Assessors for a term to end on June 30, 2025

2nd by Councilor DeMarco

Motion Passes

Discussion on Precinct Changes-Town Clerk explains that this is done through our Federal Census and it affected 348 households that did receive cards notifying of precinct changes.

Motion by Councilor Belcher that the Town Council vote to agree to sign and send a letter to Massport

2nd by Councilor Aiello

Motion Passes

Town Council thanks Councilor Belcher for her hard work on this letter.

PUBLIC COMMENT

Bill Schmidt P5-Comments on the Rules & Ordinance Meeting he attended and believes there was a request by Councilor Munson to obtain a copy of the legal opinion that the Town Council had an extension on the Charter Review Committee to proceed after a certain date and believes this should be on the record.

Joanne Hillman P6-Questions how much Councilor Belcher asked for in her Massport Letter
She is very surprised that cost had a factor in keeping the tree on 190 Somerset

Jack Dowd P3-Thanks all that participated in this democratic process. A good night for the people.

Karin Chavis P2-She asks the Town Manager about the resurfacing of the basketball courts on Walden St.
She was under the impression the Winthrop Foundation gave money to have this done. Who is responsible for the upkeep of these courts? Would like an answer soon.

Mike DiLuiso-Very disappointed in the Town Councils vote on not removing the tree on 190 Somerset.
The fact that someone disabled has to walk across the street due to this tree is not understood by him?
He cannot make legal repairs to the tree? The safety of his home, neighbors that have been injured by this tree. The Town Council has chosen to ignore these facts. First time in his life ashamed of this town and this decision.

Kelly M P5-a resident at 194 Somerset Ave and this tree has caused a problem with her coming out of her apartment and it is unsafe. The decision of the crosswalk will harm her as for parking. She may have to move due to the fact that this is no parking and losing a space is detrimental to her.

Lucy DiLuiso P5-Not happy with decision to keep tree. She reports on comments that were incorrect.
She states she will be suing the town due to this decision.

PUBLIC RELATIONS / UPCOMING EVENTS

Committee Openings: TSAC / Commission for Diversity, Inclusion, and Community Relations / Tree Committee

Before asking for motion to adjourn, Council President Letterie asks each Town Councilor if they have anything further to discuss:

Councilor Honan	No
Councilor Fucillo (Zoom)	No
Councilor Munson	Not at this time
Councilor Belcher	Comments on Massport Public Correspondence on their website
Councilor DeMarco	Virtual Town Hall Meeting in a couple weeks
Councilor Flockhart	No
Councilor Aiello	No
Vice President Ruggiero	No
President Letterie	Wishing a great year to the students, teachers, staff . Happy Labor Day

ADJOURNMENT

Motion to adjourn by Councilor Belcher to adjourn at 9:40PM

2nd by Councilor Munson

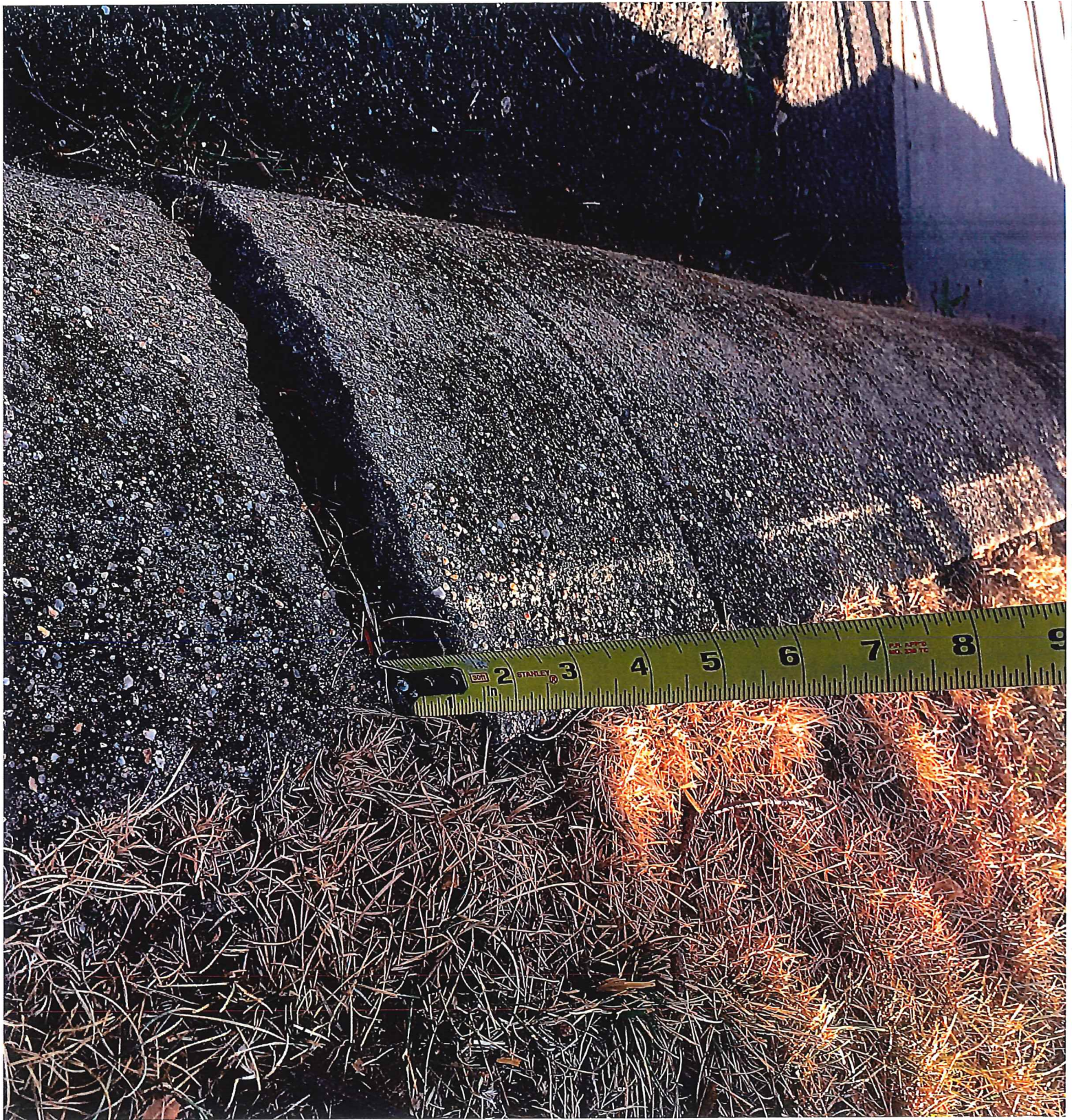
Passed Unanimously

Public Documents used in the meeting are available at Town Managers Office.

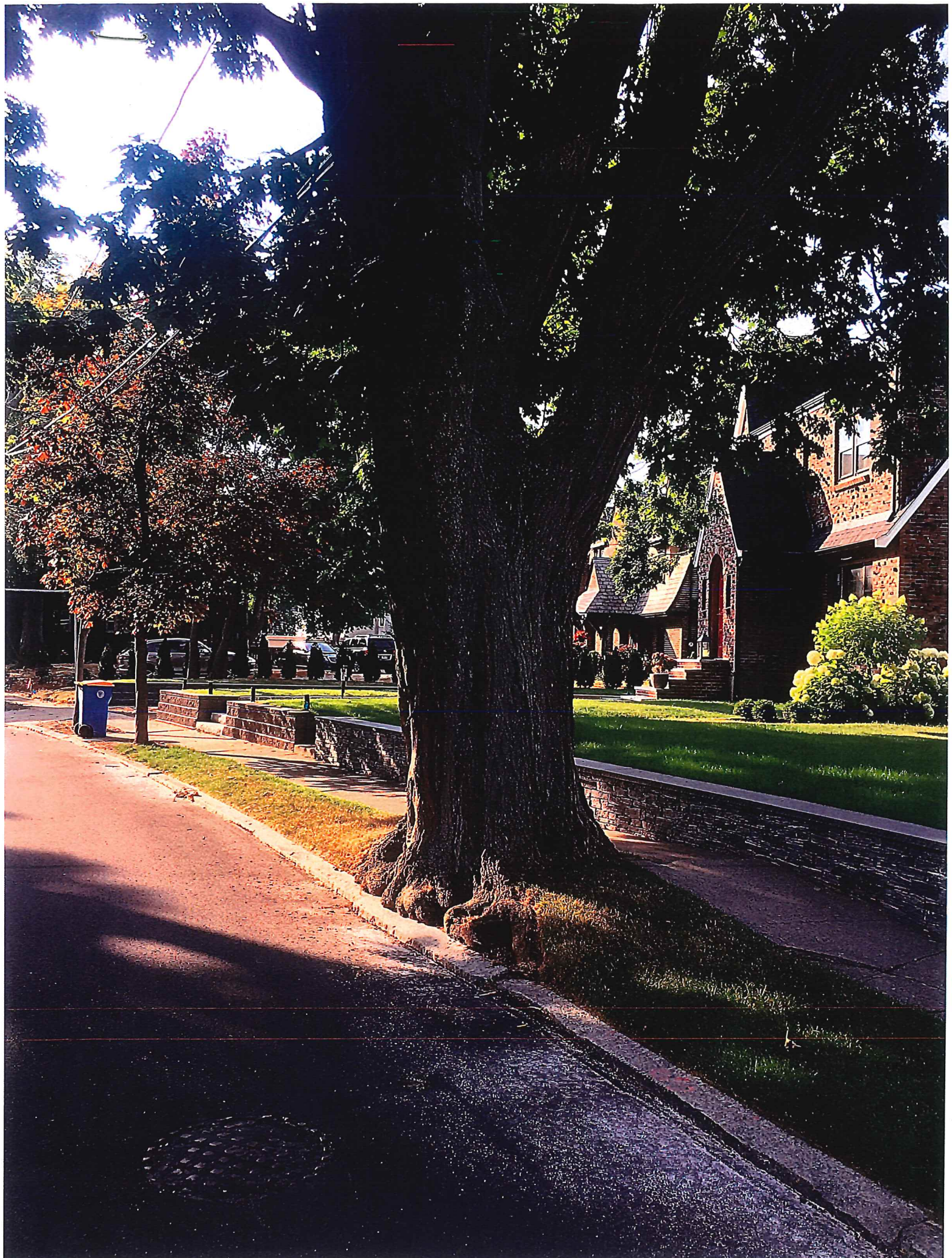
Documents Used in this Meeting: Handwritten Notes / Committee Openings Documents Roll Call Log

Written Motions / Verbal Motion

Respectfully submitted
Denise Quist
Town Clerk
Council Clerk



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