

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
February 17, 2009

Present: Michael Smart, President
Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Ed Harrington, Councilor
Thomas J. Lacey, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor
Patrick O'Connor, Councilor
Victor Pap, III, Councilor
Kevin Whitaker, Councilor

Not Present: Robert Conlon, Councilor

Also Present: Maureen Duffy, Auditor
James Wilson, Chief Financial Officer
Michael Gallagher, Director of Administrative Services
George Lane, Town Solicitor
Franklin Fryer, Town Clerk
Cindy DePina, Director of Human Resources

Recording Secretary: Diane T. Hachey

President Smart called the Town Council Meeting to order at 7:30 PM. Town Clerk, Frank Fryer conducted the roll call with Councilor Conlon absent. Council President Smart noted that Councilor Conlon contacted him to advise that he was unable to attend this evening.

ANNOUNCEMENTS

Councilor Mathews announced that the Community Preservation Committee will hold a public hearing on February 26 at 7:00 in Council Chambers, and will be accepting proposals from the public. He additionally noted that the Commonwealth of Massachusetts Highway Department will hold a public meeting on February 25 at 7:00 PM at the Southfield Conference Center. The purpose of the meeting is to provide the opportunity for the public to become fully acquainted with the Environmental Assessment and the proposed widening of Route 18.

Councilor Harrington announced that on Saturday, March 7th a chili/cheesecake contest will be held at the Pond Plain Improvement Association. He encouraged all to attend and

noted that he will be both a contestant and judge this year.

APPROVAL OF MINUTES

A MOTION was made by Councilor Mathews to ACCEPT the minutes of the Budget/Management Committee meeting of January 20, 2009 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ACCEPT the minutes of the Town Council Meeting of January 20, 2009 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ACCEPT the minutes of the Ordinance Committee Meeting of February 2, 2009 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

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RESIDENT AND COMMUNITY COMMENT

Proposed Addition to Code of Ordinances (Section 6)-Needless Expenditure of Public Resources-Robert Thomas

Mr. Thomas believes that in these times of dire fiscal uncertainty, that it is time that the ordinances reflect a "pay as you go" provision. The proposal is designed to recover needless expenditures caused by people during the commission of an infraction of the ordinances and/or MGL. He clarifies that it is not to be construed as a fine, but simply a specific procedure in order to recoup expenses incurred by the town. He walked the committee through each section of his proposal and cited examples of needless expenditures: DPW sending personnel and machinery to clear obstructions of snow which were placed there by private plows, Police/Health Department consistently sent to establishments known to be problematic, Fireman called upon to search Whitman's pond for a vehicle or dog. He aired concerns with placing our personnel in danger, in addition to the ultimate cost to the taxpayers. He feels that this money could be better used to fund key operations and personnel needs.

Councilor Mathews motioned for a referral to the Ordinance Committee, seconded by Councilor O'Connor. Councilor Whitaker aired concern that the Department Heads would be responsible for enforcement, which falls under the jurisdiction of administration. Councilor Whitaker made a substitute motion to table the measure, pending an opinion from the Town Solicitor, substitute motion seconded by Councilor Molisse. It was noted that the Solicitor's opinion is to be delivered prior to the next

Council Meeting. Councilor Molisse expressed his concern regarding the cost incurred for calling an Ordinance Committee Meeting if in fact this is out of the Council's control, and falls under the jurisdiction of administration. A roll call on the substitute motion was requested by Council President Smart, the results which are as follows:

Councilor DiFazio-NO	Councilor O'Connor-NO
Councilor Harrington-YES	Councilor Pap-YES
Councilor Lacey-NO	Councilor Whitaker-YES
Councilor McDonald- YES	Councilor Mathews-NO
Councilor Molisse-YES	Council President Smart-YES

Motion passes (6-4).

Local Economy Stimulation Efforts-Diane Malono

Diane Malono announced that she plans on shopping locally for the next fifty two weeks. She is asking the public to follow suit and make a public resolve to support our local vendors. She is hoping that this effort will trickle down to us at the local level. She has developed "calling cards" which indicate the patronization date and rating of the establishment. The calling cards have a low cost and she is willing to undertake the effort and is looking for suggestions from both the Council and public.

Council President Smart applauded Ms. Malono's efforts and confirmed that his household supports shopping locally and he is willing to set up locations in Town Hall for the calling cards.

Public Hearing-7:35 PM-09 007-Appropriation-Sale of Town Owned Land

At 7:57 PM Councilor Mathews motioned to open the public hearing on the aforementioned measure, seconded by Councilor O'Connor and unanimously voted. Councilor Mathews noted that this item was published on 2-6-09.

Mr. Wilson explained that this measure is being submitted resultant from the announcement by the Governor that local aid will be reduced substantially. The Town of Weymouth will receive \$1,057,525 less in direct state aid. Administration is requesting that \$1,057,525 be used from the proceeds of the sale of the Fulton School to offset this reduction. Statute permits use of these funds to pay off debt service. The net proceeds from the sale are \$1,279,783.

There was the following comments from the public:

Linda MacDonald of 58 Laurel Street

She noted concern with a one time revenue being used and asked if we have investigated other areas in town which may have residual funds at year end. Mr. Wilson noted that there are no other funding resources in town to make up a shortfall of this magnitude. He further noted that non-passage of this measure could potentially result in laying off of

140-160 employees (equates to 8% of the total workforce) for the remaining quarter of the year. Mr. Wilson further noted that the town would be responsible for paying benefits at 2/3 for one year. These individuals would then be potentially rehired in fiscal 2010. The Mayor feels that this measure is the best avenue to take.

Bob Thomas of Washington Street

He noted that if Fulton School proceeds are targeted for debit service and if there are layoffs after June 30, how are schools to increase their budgets by 3.5% and all remaining town departments were given a directive to submit level funded budgets. He announced that everyone needs to make sacrifices and questioned if we will have to layoff teachers to fund the 3.5% increase or are administrator going to take salary reductions. Mr. Thomas was posing issues and announced that he is not looking for a response.

Councilor Lacey asked in terms of revenue to date, what is our collection rate for taxes-to which Mr. Wilson replied that we are at 99% of collection rate.

Councilor Mathews motioned at 8:09 PM to close the public hearing, seconded by Councilor O'Connor and unanimously voted.

South Shore Tri-Town Development Corporation Update
-Joseph Connolly and Jeff Wall-Board of Directors

Mr. Connolly and Mr. Wall were joined by Eric Kfoury-Interim Director. Mr. Kfoury stated that Mr. Kevin Donovan will commence his assignment on Monday and he will assist with the transition. Financing needs are the focus as they need to close deals with the Navy. Said paperwork has been completed and the remaining EDC parcels will be able to take leasehold/stake shortly. There is not a market for Tri-Town to sell bonds for continuing development of infrastructure work, and they are constantly monitoring the situation and have recently changed their underwriter. Mr. Kfoury confirmed that the project is a high priority with the Governor and his goal is to position themselves favorably in the bond market.

Mr. Wall explained that Phase 1A is ready to build vertically. The East/West Parkway was put out to bid and they will be choosing a contractor at a future Board of Directors meeting. Water and sewer infrastructure is progressing and they are working closely with town administration.

Mr. Connolly echoes the sentiments of his colleagues and confirmed that since private bonding was unfavorable that they made the decision to go to public bonding as an alternate option. He stressed that the project requires securing of financing and hopes that the stimulus package will be favorable.

Councilor Mathews asked if the Governor indicated this project specifically in the stimulus package. It was noted that Jim Lavin and Eric Kfoury have both met with the

Governor to ensure that this project receives top priority.

Councilor Mathews further noted that Weymouth is allocating additional water to the project and his is personally against this and cites that with water capacity comes sewerage output which the town cannot handle. He suggests pursuing of additional water sources from MWRA.

Mr. Kfoury stated that they are pursuing waste water sewerage facilities and confirmed that productive conversations with the state are high on the list for SRF funding. They would not increase sewerage to the town. Councilor Mathews noted that we have already allocated water supply and sewerage in Phase 1 of the project.

Councilor Molisse questioned the impact of the economy on rentals. Mr. Kfoury confirmed that tenants are currently most eager to stay on, and as a result they have extended their leases until March, which will bring in substantial income.

Councilor Molisse asked if the recreational facilities on the property will continue as he has fielded several constituent requests on this subject. Mr. Kfoury agreed to brooch this matter with the Navy when the transfer of land occurs.

Councilor DiFazio believes it prudent to re-evaluate this plan in lieu of the state of the economy. Example cited is the need for a golf course. He requested that our representatives bring back to the Board of Directors this subject. Councilor DiFazio then distributed a permit application to Natural Heritage Foundation from Lennar which cites installation of wind turbines/solar panels on the golf course in order to generate electricity. He cites that in 2006 the Town Council passed a resolution which specifically requested a wind study and is questioning why the request was denied when it fact a recent request for installation of wind turbines is on the table. Councilor DiFazio again asked our representatives to bring back to the Board of Directors a request to reconcile why they are requesting wind turbines now , but dismissed the idea in 2006. All Tri-Town personnel agreed to raise this issue with Tri-Town.

Reports of Committees-Budget/Management Committee-Councilor DiFazio

09 004-Appointment-Interim Town Clerk

Councilor DiFazio motioned that this measure was referred on 1-20-09, the committee met on 2-17-09 and voted NO ACTION. Motion was seconded by Councilor Mathews and voted unanimously.

09 005-Deeds in Lieu of Foreclosure

Councilor DiFazio motioned that this measure was referred on 1-2-09, the committee met

on 2-17-09 and voted unanimous favorable action: “In accord with section 77c of Ch. 60 of the General Laws of the Commonwealth of Massachusetts and the MA Department of Revenue I.R.G. 2002 to accept a deed in lieu of tax foreclosure for two properties currently in tax title. Motion seconded by Councilor Molisse and voted unanimously.

09 007-Use of Funds from the Sale of Town Owned Property

Councilor DiFazio motioned that this measure was referred on 2-2-09, the committee met on 2-17-09, public hearing held on that same evening, with a 4-1 affirmative passage. “That the Town of Weymouth appropriate the sum of \$1,057,525 from the sale of town owned property for the purpose of funding a portion of the fiscal year 2009 operating budget debt service in accord with General Laws chapter 44 section 63 as amended.” Motion seconded by Councilor O’Connor.

Councilor O’Connor explained that he voted no at committee level due to funding with one time revenue sources. He does not believe that this is the ideal solution and believes we should save this money.

Councilor Lacey believes we are delaying the inevitable and that this may be a shortsighted solution and believes we should maintain these funds for fiscal 2010.

Councilor DiFazio noted the need for immediate action for the fiscal year 2009 budget deficit. He is fairly comfortable with the recurring revenues cited by Mr. Wilson for fiscal year 2010. He will request a wage freeze if layoffs commence.

Councilor Whitaker shares concerns with reliance on one time revenues, but feels this is a timing issue as we only have one quarter remaining of the current fiscal year to absorb cuts. He feels we are better served by implementing this option now.

Council President Smart called for a roll call vote as follows:

Councilor DiFazio-YES	Councilor O’Connor-NO
Councilor Harrington-NO	Councilor Pap-YES
Councilor Lacey-NO	Councilor Whitaker-YES
Councilor McDonald- YES	Councilor Mathews-YES
Councilor Molisse-YES	Council President Smart-YES

Motion passes (7-3).

09 008-Appointment-Director of Human Resources-Cindy DePina

Councilor DiFazio motioned that this measure was referred on 2-2-09, the committee met on 2-17-09, and voted favorable action to appoint Cindy DePina as Director of Human

Resources. Ms. DePina stepped forward to introduce herself and state that she comes from the private sector, possesses numerous years of applicable experience, and is looking forward to the challenges of the times. Motion seconded by Councilor O'Connor and voted unanimously.

New Business"Financial Systems Coordinator" Position Reclassification-Councilor Lacey

Councilor Lacey explained that he forwarded correspondence to Council President Smart questioning the position reclassification procedure and was looking for process clarification in order to ensure that fair and consistent procedures are being adhered to. Mr. Gallagher distributed the Human Resources policy on Position Reclassifications and ensured the Council that all procedures were correctly followed. He also distributed a PAF form which was put forward on November 30. Mr. Wilson supplied Mr. Gallagher with the new job responsibilities and as such he has indicated on the handout the new versus the deleted responsibilities of the individual-for this discussion. This resulted in Mr. Gallagher developing a new job description and organizational chart. Councilor Lacey inquired as to what individuals sign the PAF and why the form distributed is not validated. Mr. Gallagher stated that he, Mr. Wilson and the Mayor validate the PAF form but he does not plan on releasing the form in this forum.

Councilor Lacey questioned the funding source of the reclassification. Mr. Gallagher stated that it is up to the purview of the Mayor. Councilor Lacey wishes to clarify this action as he is investigating the fairness of this as many employees have been required to take furloughs and reduce hours in an effort to meet budget cuts; he feels justified in raising the issue to ensure equitability amongst all departments. He further stated that this action is in no way politically motivated. He further noted that he is not in agreement with Solicitor Lane's opinion on the subject. Councilor Lacey does not feel that there should be repercussions from questioning policies, he is not attempting to impede action and has steered clear of personalities in attempting to ensure fairness surrounding this issue. He expressed gratitude to Mr. Gallagher for his sensitivity to releasing what he felt was personal data.

Councilor DiFazio stated that as a result of an audit, currently being performed by Maureen Duffy, that this issue came to light. He shares the Mayor's concern that all audit issues are addressed at the completion of said audit.

Council President Smart noted that he had this discussion at length with Councilor Lacey, who felt that this issue warranted action at this time. Council President Smart noted that from now on, all issues raised as a result of an audit, will be addressed all at once.

Councilor Harrington commended Councilor Lacey for raising this important issue and thanked the Mayor for her honesty, and feels that this process was a good one for all concerned.

Councilor Whitaker raised the issue of when the finance audit will be completed, as it was assigned in December. Ms. Duffy will address this when she comes forward with Mr. Carnes.

09 009-O'Connor and Drew Fiscal Year 2008 Financial Statements and Management Letter-Maureen Duffy, Kevin Carnes

Ms. Duffy confirmed that the finance audit will take a few more weeks to complete as she is tracking individual items through the system (encompasses 6 different departments) barring any unforeseen circumstances. She confirmed that she has updated all Councilors via email as to her progress. Councilor Whitaker cautioned this action as it could potentially be in violation of open meeting law regulations. Council President Smart requested that Ms. Duffy only correspond with him so as to avoid this potential situation.

Ms. Duffy introduced Kevin Carnes of O'Connor and Drew who highlighted portions of the Fiscal Year 2008 Financial Statements and Management Letter. As a result of high employee turnover the CFO performed restructuring of job responsibilities which resulted in delayed processing for the close of the books for fiscal year 2008. The majority of the comments in the Management Letter are resultant from that turnover and policy changes. He additionally cited the timeliness of cash reconciliations and delays between the treasurer's and accounting offices. Mr. Carnes noted that all figures are sound but recommends that an annual audit of collections and review of the scanner feature are performed. Overall he confirmed that this can be considered a clean audit as has been in past years.

Councilor Mathews motioned referral to the Budget/Management Committee, seconded by Councilor O'Connor and voted unanimously. Councilor DiFazio requested that Mr. Carnes is invited to the Budget/Management Meeting.

Discussion on New Study for Water Supply Safe Yield-Southfield -Councilor Mathews

Councilor Mathews is bringing this issue forward as he wishes to discuss in detail the results of the study with Environmental Partners, DEP, and Robert O'Connor. Councilor Mathews motioned for referral to the Public Works Committee, motion seconded by Councilor O'Connor and voted unanimously.

Discussion of the Peer Review Role/ Process-Councilor Mathews

Councilor Mathews explained that as a result of attending numerous meetings (Conservation, ZBA, and Planning Board) peer reviews have occurred and there are no references to the procedure or role of the peer review in either the Charter or Ordinances. Constituents have relayed their concerns to him as well as to the process involved.

Councilor Mathews motioned for a referral to the Ordinance Committee as to the role and process of the peer review, in addition to the possibility that meetings are open to the public, motion seconded by Councilor O'Connor. Councilor Harrington agrees with this referral as he believes that the process needs to be standardized. Motion voted unanimously.

ADJOURNMENT

At 9:26 PM, there being no further business to conduct, a MOTION was made by Councilor Mathews to ADJOURN, seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Respectfully submitted by: Diane T. Hachey

Approved by:

Michael Smart-Town Council President