

**MINUTES OF THE TOWN COUNCIL  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
December 3, 2012 - Monday**

Present: Michael Smart, Chairman  
Jane Hackett, Vice Chairman  
Kenneth DiFazio, Councilor  
Ed Harrington, Councilor  
Arthur Mathews, Councilor

Also Present: George Lane, Town Solicitor  
Francis Burke, Councilor

Recording Secretary: Mary Barker

Chairman Smart called the meeting to order at 6:30 PM.

**12 117-Validation of Actions taken By Assistant Tax Collector**

George Lane reviewed this measure for the committee . Approval is required to validate the actions taken by the Asst. Treasurer in the matters of tax takings from 2008-2010; a total of 229 tax takings as well as water and sewer bills added to the tax rolls during these years. These were recorded in Land Court. The language prohibiting the signature of an Assistant Collector in signing instruments of tax taking was in an obscure provision of the law, not in the tax statutes, and brought to light as a result of a title search.

The remedy requires a validation of the actions in an act of legislation. Rep. Ron Mariano reviewed the draft which was submitted and the resulting suggestion for language was provided by House counsel and is attached for approval by the committee to forward to the Council. During this discussion, Councilor DiFazio arrived. Solicitor Lane noted that it was during the years in which the town administration personnel underwent many changes and the Asst. Tax Collector was under the impression she received instruction to sign these tax takings.

Solicitor Lane provided the final version of the Act of Validation. Councilor Hackett asked if the language of the Act must be read into the record and if the Asst. Tax Collector will be named in the reading. Solicitor Lane responded that the most recent version that the committee will act on does include her name, and should be officially read into the record.

A MOTION was made by Councilor Hackett to forward item 12 117 to the full Town Council with a recommendation for favorable action, that:

*“An Act validating certain actions taken by an assistant tax collector in the town of Weymouth-*

*SECTION 1. Notwithstanding section 39C of chapter 41 of the General Laws or any other general or special law or charter provision to the contrary, the acts and proceedings taken by Rosemarie Driscoll, assistant tax collector of the town of Weymouth, prior to the effective date of this act in signing for the Weymouth tax collector, instruments of taking pursuant to section 54 of chapter 60 of the General Laws, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the extent as if said Rosemarie Driscoll, assistant tax collector, was authorized to sign under the hand and seal of the tax collector, instruments of taking pursuant to*

*section 54 of chapter 60 of the General Laws.*

*SECTION 2. This act shall take effect upon its passage.”*

This motion was seconded by Councilor Mathews. Unanimously voted.

ISSUE-Resident notification regarding DPW work

Chairman Smart reported that this item was referred to the committee at the request of a homeowner. DPW Director Jeff Bina was invited to the table. He reviewed the work on Essex and surrounding streets. The work commenced in August without proper notice to the residents, which Mr. Bina acknowledged was an error on the part of the department. Typically notice is given a day ahead by inspectors who hang notices on the doors of residents. They neglected to do so on Essex Street.

Mr. Bina proposed that he prepare a department internal operating procedure and submit through the Mayor for approval. These can be made a part of the department's rules and regulations. Mr. Bina acknowledged this incident is an isolated one and the department will correct and have an effective plan in place to avoid this in the future. Chairman Smart noted that they are strict with the utilities that come before the town- ordinances were put in place- and they need to be equally vigilant with in-house work. Councilor Mathews noted he approves of this approach. He asked if the solicitor is aware of any other city or town that has a bylaw to this effect in place. Solicitor Lane was not sure but guessed there are and he also agreed with the approach; with staff changes inevitable, there is the need to memorialize standard operating procedures.

A MOTION was made by Councilor Hackett recommending the matter remain in committee, and to take appropriate action after a proposal has been submitted for review, and was seconded by Councilor Mathews. The Mayor can forward the procedures once she has approved it. Director Bina asked for 30 days to produce it in light of department's schedule this time of year. Councilor Harrington thanked Mr. Bina for being forthright addressing the issue.  
UNANIMOUSLY VOTED.

At 6:54: PM, there being no further business, a motion was made by Councilor Hackett to adjourn, seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**Respectfully submitted by Mary Barker as Recording Secretary**

**Approved by Michael Smart as Ordinance Committee Chairman**