

***Town Council Ordinance Committee
June 18, 2012 at 6:30 PM
Town Council Chambers***

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

Also Present: Thomas J. Lacey, Councilor
Francis Burke, Councilor
George Lane, Town Solicitor
Walter Flynn, Chair Community Preservation Committee

Recording Secretary: Diane T. Hachey

Chairman Smart called the Town Council Ordinance Committee Meeting to order at 6:30 PM.

12 091-Amendments to the Zoning Ordinance Relating to the Floodplain District Maps, Administration and Regulation

Chairman Smart noted that this measure was referred on May 21, 2012, the committee met on May 30, and the public hearing was held on June 11. The Planning Board has issued its recommendation of which he read into the record:

“The Weymouth Planning Board hereby submits its report and recommendation on the above referenced zoning amendment. The board reviewed the proposed floodplain zoning amendment at several public meetings of the board in April and May. The measure was submitted to the Town Council and a joint public hearing was held by the Town Council and Planning Board on June 11, 2012. Testimony was presented and both the Town Council and Planning Board closed their public hearings.

Later that evening, the Planning Board voted to recommend favorable action on the proposed zoning with two technical amendments as follows:

In part F.1. delete the letter “A” from the text and add the word “add” after the word “and”.

These amendments will update the floodplain maps as prepared by FEMA and add several requirements to projects subject to floodplain regulation. The adoption of current maps and regulation will keep the town of Weymouth in the National Flood Insurance Program and allow property owners to renew or secure flood insurance through the NFIP. The town joined the program in 1980 and has successfully administered the program since then.”

Councilor Hackett motioned to accept the Planning Board’s report and incorporate to the measure, motion seconded by Councilor Mathews and voted unanimously.

Councilor Hackett motioned for favorable action on measure number 12 091, motion seconded by Councilor Mathews and voted unanimously.

M.G.L. Chapter 40 section 4A-Inter-municipal Agreements

Chairman Smart noted that this issue was referred to the committee on June 4, 2012 by Councilor Lacey.

Solicitor Lane explained that Councilor DiFazio forwarded correspondence to our representatives on SSTTDC Board of Directors, posing this issue, to which he received a response that the town's legal department would need to supply a ruling. Subsequently, Councilor DiFazio forwarded correspondence to Solicitor Lane requesting his opinion. Under Chapter 40 the CEO (Mayor) is authorized to execute contracts and enter into such on behalf of the town, to another municipality. Services to Southfield are paid on a reimbursement basis and to enter into and/or negotiate contracts, the Mayor, by charter has this authority. The Mayor also has the authority to delegate her authority if she so desires. Solicitor Lane further noted that the Home Rule Procedures Act, Section 20, Chapter 43B states that the charter supersedes and is the governing document over Chapter 40 4A. There are inconsistencies which exist between MGL and the Charter, to which the Charter supercedes. The Mayor has the authority to execute inter-municipal agreements on behalf of the town, as Southfield payments are on a reimbursement basis. Mr. Lane further agreed that if personnel/equipment additions are necessary then this would be classified as an appropriation request-therefore requiring Town Council approval.

Discussion of the tri-town contract with surrounding communities as related to Capitol Waste arose and it was noted that this would appropriately apply as well.

Councilor Lacey reiterated Solicitor Lane's position on the subject and stated that the water/sewer agreement which exists today does not require TC approval-to which Mr. Lane concurs. Mr. Lane offered to review past contracts as related to MGL chapter 40 section 4A.

Councilor Lacey wants clear guidelines as to when Chapter 40, section 4A applies, as the current agreement will be the same in the future. He further cited measure number 09 086- Municipal Health Service Agreements, and made reference to the minutes of June 15, 2009 that Solicitor Lane stated that all SSTTDC contracts necessitated approval by the Town Council.

Solicitor Lane has no detailed recollection of past contracts and will investigate and asked that the Council provide him with the necessary details.

Councilor DiFazio thanked Councilor Lacey for bringing this issue to light as it is long overdue and finds it hard to comprehend that contracts (ie: water in exchange for a fee, police response) are expenditures of assets-- and should require Town Council approval., He asked that Mr. Lane view this situation from a constituent standpoint.

Mr. Lane responded that reimbursement versus equipment or manpower-if there is an appropriating factor involved, then Town Council would be required to approve.

Councilor Mathews requests that administration supply the detail of other municipal agreements the town is involved in, that the Council may not be aware of. Chairman Smart asked Mr. Lane to compile a list for the Council's review.

Councilor Hackett motioned to continue this discussion, at which time Mr. Lane can gather details, motion seconded by Councilor Mathews and voted unanimously.

Trish Pries (present in the audience) asked to be heard, Chairman Smart announced that the meeting is a public meeting, and not a public hearing and no comments would be taken.

With no further business to attend to, Councilor Hackett motioned to adjourn at 7:20 PM- motion seconded by Councilor Mathews and voted unanimously.

Respectfully submitted by Diane Hachey as Recording Secretary

Approved by Michael Smart, Chairman of the Ordinance Committee