

**TOWN COUNCIL MEETING MINUTES**  
**Town Hall Council Chambers**  
**January 20, 2015, Tuesday**

Present: Patrick O'Connor, President  
Michael Smart, Councilor  
Kenneth DiFazio, Councilor  
Jane Hackett, Councilor  
Ed Harrington, Councilor  
Rebecca Haugh, Councilor  
Thomas J. Lacey, Councilor  
Arthur Mathews, Councilor  
Brian McDonald, Councilor  
Michael Molisse, Councilor

Not Present: Robert Conlon, Councilor  
George Lane, Town Solicitor

Also Present: Kathy Deree, Town Clerk  
Richard Swanson, Town Auditor  
William McKinney, Chief Financial Officer  
James Clarke, Planning Director  
Abigail McCabe, Principal Planner  
Walter Flynn, Chair, Weymouth Planning Board  
Sandra Williams, Planning Board  
Mary Akoury, Planning Board  
BD Nayak, Planning Board  
Rob McLean, Library Director  
Maura Deady, Reference Librarian

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. Following the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with one member absent. President O'Connor reported that he spoke to Councilor Conlon earlier in the day; he was under the weather and unable to attend.

**ANNOUNCEMENTS**

Councilor Haugh announced that representatives from Algonquin Gas (subsidiary of Spectra Energy Partners) which maintains an interstate gas pipeline system from New Jersey to Massachusetts, will be at the Weymouth Elks on January 29, 2015, 5:30-7:30 PM to answer questions on construction and regulatory process for a proposed plan to increase natural gas capacity. This would be accomplished with a new compressor station on the Fore River next to the MWRA pump station. Algonquin already has equipment at this site. This is not a formal presentation, but an opportunity for residents

to see the proposal and ask questions. Additional public meetings will be scheduled as the process moves forward.

## **MINUTES**

### **Budget/Management Committee Meeting Minutes of December 15, 2014**

A motion was made by Vice President Smart to table the minutes of the December 15, 2014-- Budget/Management Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **Town Council Meeting Minutes of December 15, 2014**

A motion was made by Vice President Smart to approve the minutes of the Town Council meeting of December 15, 2014 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **Ordinance Committee Meeting Minutes of January 5, 2015**

A motion was made by Vice President Smart to approve the minutes of the January 5, 2015 Ordinance Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **Town Council Meeting Minutes of January 5, 2015**

A motion was made by Vice President Smart to approve the minutes of the meeting of the January 5, 2015 Town Council meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

## **PUBLIC HEARINGS**

### **14 107-Zoning Ordinance Amendment to Allow Restaurants with Drive-Through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article V1B, Section 12-22.8E) – Application Submitted by Michael and Mark Mignosa/Trustees and Joseph Murray-1255 Main Street**

A motion was made by Vice President Smart to open the joint public hearing on measure 14 107-Zoning Ordinance Amendment to Allow Restaurants with Drive-Through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article V1B, Section 12-22.8E) and was seconded by Councilor Mathews. This was published on December 31, 2014 and again on January 7, 2015. UNANIMOUSLY VOTED.

Planning Board Chairman Walter Flynn opened the meeting of the Weymouth Planning Board. A motion was made by Sandra Williams to open the public hearing and waive the reading of the public notice, motion was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Attorney Mark Bobrowski (representing owners), Jeff Dirks (Traffic Engineer- Van Nass), and Joe Murray (representing Dunkin Donuts) presented their request for a change in the zoning ordinance. Mr. Murray reported that the property is currently for sale and they are actively pursuing the purchase. Dunkin Donuts has been on the site for twenty years so they are not new to the area or the market. They propose to relocate the franchise

to the other side of the building and add a drive through for customer safety and convenience. They expect to be economically challenged with the upcoming widening of Route 18. They want to maintain their business while the work is going on. The plan they presented is a conceptual rendering and not the final plan. They reviewed the current zoning and proposal to change subsection E, which allows for no drive-through windows in restaurants (allowed for other business) unless there are less than 20 seats. If it was designed to keep the large sized franchises out, this will adequately take care of that concern.

They do not seek to expand current seating. It's not proposed for just this property but will allow for all properties in the HT zone, and is only allowed by special permit. They reviewed the site and reviewed the impacts. Jeff Dirk reviewed how the Route 18 improvements may affect it. He reviewed the proposed queuing, the location of the drive-through window and the speaker board, which faces the commuter rail track. The site allows for counterclockwise circulation of travel between order and pick up, single lane and a bypass lane for emergencies. It was indicated that by moving the curb lines, they pick up some green space along the corridor, while still maintaining the bypass and drive-through lanes. Mr. Dirks will provide a full traffic study to the town.

Councilor Molisse asked if any leases have been signed for the rest of the property and how many businesses can be accommodated. There has been interest but no leases have been signed as of yet. The site can house three other businesses.

Vice President Smart asked if the number of parking spaces takes into account the lease plan. It was indicated that they lose 2 spaces here, but by shifting to the drive through, it improves; it is not a big sit-down location. Any other allowed uses also require special permit- private club, retail sales or service, or business professional/medical, trade professional- each requires special permit. Vice President Smart noted that although the site plan is a conceptual one, they are interested in a snow removal plan, and dumpster location(s).

Councilor Harrington asked if the plan might draw traffic from the other Dunkin Donuts location at Main St. and Park Ave.? Mr. Murray responded that people tend to go where it's convenient. With the proposal for Route 18 increasing to two lanes, he can't see that it would take away any customers.

Councilor Haugh questioned if there is enough room for left and right exit lanes at the bottom stop line.

Vice President Smart reported that when the matter was reviewed at the Ordinance Committee meeting, it was suggested that a recommendation for minimum 1-acre lot size be included in the change. 190 parcels were analyzed (Exhibit E) and minimum lot sizes were reviewed. Only thirteen would qualify for special permits; 9 possible on Main Street and 4 on Washington Street. BD Nayak of the Planning Board, asked for information on angled parking proposed on the site. The 60° angled parking meets the 13-foot critical

dimension. Mr. Murray reported that he would instruct his employees to use the angled parking slots.

Councilor McDonald asked if they have considered making a “no left hand turn” out of the premises during certain peak hours. Mr. Murray responded that they don’t want to further limit the business and that this restriction would be further detrimental to sales-he noted that gas stations aren’t limited. Councilor Mathews reiterated his comments from the Ordinance Committee review. He represents the Washington corridor HT zone, and has major concerns with the plan as it currently sits.

Councilor Haugh asked the Planning Department how many vehicles drive Main and Washington Streets each day. She was told 27,000-30,000. She noted North Weymouth has the same issues and is not an HT zone.

**Robert Montgomery Thomas, 848 Washington Street**, reported that he submitted a document last week and requested it entered into the record in its entirety and asked the Council to support a substitute motion as outlined in the presentation. He provided the following abbreviated version to the Recording Secretary for the minutes.

*“Good Evening Mr. President, Councilors and members of the Planning Board. My name is Bob Montgomery Thomas of 848 Washington Street, which is in the HT District.*

*Last week I submitted a document titled “Measure #14-107 testimony” to the Council Office. I’d like to waive reading of it in its entirety but I’d like to have it entered into the record in its entirety. I know you have a very busy agenda for tonight so I will make just a few, abbreviated points from it.*

*As an HT property owner who will be affected by this measure, I submit a substitute motion that the measure be amended to read:*

*“E. Restaurant, except that no drive-through window shall be allowed unless the restaurant has less than twenty seats and further, that the lot has twenty-five percent set aside for landscaping per the Schedule of District Regulations and the requirements of § 120-62.1 and, further, that an unimpeded parking, loading and vehicular traffic plan is provided and maintained in accordance with §§ 120-69 through 120-77 of the Weymouth Zoning Code.”*

*The rationale for my proposal and substitute motion s the requirements of the HT zone, as provided in the Schedule of District Regulations.*

*Moving on to the points and questions in my submittal:*

- *Was there a Traffic Impact and Access Study prepared for this proposal? If not, why not?*
- *The Conceptual Improvement plan (CIP) does not show a required snow management area.*

- *The CIP does not illustrate the amount of frontage that may be taken by the state for the widening of Route 18.*
- *The lone existing loading dock at the southern rear corner is problematic in that it faces in the wrong direction and access to or from it would contradict the one way traffic flows shown on the CIP. And according to the as-built plot plan, it appears that the loading dock was built partially on top of a 25-foot sewer easement, which is not allowed.*
- *The existing dumpsters are not enclosed and seem like they would be difficult to service in the CIP.*
- *There is no required dumpster space shown at the proposed Dunkin Donuts relocation site.*
- *The parking along Route 18 seems to be in the minimum front yard depth of twenty feet required by the schedule of District Regulations. It may have been reduced to fifteen feet in accordance with §120-70 C, but no dimensions are shown. What are the plans if frontage is to be taken from widening Route 18?*
- *There is no dedicated loading bay (or bays) or unimpeded access route to a required loading bay shown on the CIP as required by § 120-76, § 120-77 and § 120-78 A.*
- *The lot seems to be 100% paved or otherwise built upon (it was probably zoned B-2 when built) and should now require an infiltration system (System) for the appropriate filtering and dispersion of accumulated rainwater if any changes to it are permitted. The HT zone requires 25% landscaping as a standard for rainwater absorption purposes.*

*-As an aside, there is only one catch basin by the loading dock on the 45,7000 SF lot. Rainwater and snow melt from the roof and parking lot flow to the stream or to Route 18 or to adjoining properties. That allows contamination from road salts and petrochemicals leaking from vehicles on the parking lot to migrate unfettered into the watershed recharge system.*

- *Forty-eight parking spaces are required and shown on the CIP based on the 9,600 SF building footprint, with the six storefronts each needing eight spaces based on the individual square footage of 1,600 SF per store. The parking space number will need to be increased to fifty-four spaces because the restaurant will then (and now) require(s) fourteen spaces if it is to have twenty seats in its 1,600 SF space; per §120-74 D.*
- *The tow HP-accessible parking spaces in current use and shown in the CIP are not located or dispersed in accordance with 521 SMR 23.00, and there are no required reserved signs present at this point in time. Indicia painted on the pavement to not qualify as signage. Additionally, one more HP space is required since three HP spaces are required for parking lots of forty spaces or more; one of which must be van-accessible per 521 CMR.*
- *The proposed expansion of pavement at the southern rear building corner is likely in a Watershed Protection District or a Wetlands Buffer Zone. A stream or rivulet to a water supply runs through the property inn an easement along the southernmost property line, which for some strange reason is not on the CIP.*

*In closing, the original measure will not benefit the Town. I urge the Council and the Planning Board to either amend it as I moved it or to reject it in its submitted form.*

*Thank you for your time.”*

President O’Connor acknowledged the submittal and reported that the matter is still in committee. Neither the Ordinance Committee nor the Planning Board has voted out a recommendation.

A motion was made by Vice President Smart to close the public hearing on measure 14 107-Zoning Ordinance Amendment to Allow Restaurants with Drive-Through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article V1B, Section 12-22.8E) and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Chairman Walter Flynn closed the public hearing for the Planning Board, which adjourned to the Kelly Room to continue its deliberations.

#### **14 116-CPC-Digitizing Weymouth Gazette and News**

A motion was made by Vice President Smart to open the public hearing on measure 14 116-CPC-Digitizing Weymouth Gazette and News and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Director Rob McLean and Reference Librarian Maura Deady reviewed the request. The library has every issue of the Weymouth Gazette and News since 1867 preserved on microfilm record. Current issues are preserved digitally with OCR technology for keyword searching. The prior years are preserved on microfilm and the years in the public domain were chosen for the digitizing project. There are 14 rolls of microfilm and the process will create a full text-searchable database that can be accessed by the public from anywhere and at any time. The Boston Public Library has digitized the WHS yearbooks from 1914-2013 and Weymouth’s historical photograph collection, but does not offer this service for newspapers.

Vice President Smart asked about the current condition of the collection and how the public can access once it’s digitized. It will be available through the library website’s reference tab. Planning Director Jim Clarke reported that the Community Preservation Committee met on December 4, 2014 and unanimously voted to support the request for funding.

**Kathy Curran, 26 Babcock Avenue**, supported the request and asked how much the project will cost. It will be about \$5,000 and the library received quotes from two sources.

**Robert Montgomery Thomas, 848 Washington Street**, noted he is a frequent user, especially the microfiche records for his research. He suggested the library consider

acquiring electronic versions of the Weymouth News and Patriot Ledger editions for future archives.

A motion was made by Vice President Smart to close the public hearing on measure 14 116-CPC-Digitizing Weymouth Gazette and News and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**14 114-Free Cash-OPEB Liability Trust Fund**

A motion was made by Vice President Smart to Re-Open the public hearing on measure 14 114-Free Cash-OPEB Liability Trust Fund and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

President O'Connor noted that the actuarial report is later on the agenda, although Mr. Frank was not available to report out to Council. It is a separate measure and the intent is to vote the OPEB measure before hearing the presentation on the report.

Chief Financial Officer William McKinney provided a brief overview of the measure, which seeks to take \$700K from free cash and apply it towards the OPEB Trust Fund to whittle down the \$700 million liability.

Councilor Hackett noted she raised the concern with free cash projection of \$1 million when the books closed, and the actual balance of \$4.8 million. She is concerned with the large discrepancy. She suggested that with school system deferring costs and the upcoming budget, they get a better picture of the books. Second, she noted that while CFO McKinney has done a great job advocating for this, she noted that it is Mayor Kay who is recommending it.

**Gus Perez, 16 Hewitt Road** urged the Council to reject the measure. The liability is too large for these requests to make a difference and suggested the funds are better utilized to meet one-time current needs in the schools. The OPEB liability needs to be solved on the state and national levels and needs infrastructure changes in how retiree health care costs are managed. He also noted that the towns that are meeting their liability are also exceeding their Net School Spending requirements.

**Kathy Curran, 26 Babcock Avenue**-speaking as parent and not a School Committee member, urged the Council to reject. She noted that the money is far better spent on public safety, or in supporting music programs in the schools.

Council President O'Connor made a point of order-- that this matter is still in deliberation and has not been voted.

**Valerie Giannandrea, 61 Essex Heights Drive**, urged rejection. She noted this amount will not make enough of an impact on the OPEB liability, while in the schools there are no math or literacy coaches, not enough technology or IT specialists, no science at the primary levels and not enough social/ emotional adjustment counselors for those students in need. She recommended putting the \$700K to the needs of the schools.

President O'Connor reminded the public that the Town Council does not have the power to appropriate or add to the budget; their only ability is to decrease.

**Carrie Palazzo, 16 Keating Circle**, asked the Council to send a letter to the Mayor to appropriate funds to the schools after rejecting the measure. Schools are underperforming, as she read the overview school report and was dismayed to see that the schools are underfunded. The schools are the epicenter of the town.

**Chris Primiano, 82 Rindge Street**, urged rejecting the measure with a triage analogy - 4 areas, funding OPEB is in black triage. They are wasting resources on something that can't be saved by \$700K, but what it can do is wipe out 80% of the school needs list. He suggested the Council start by triaging the budget as it needs to be.

**MaryEllen Devine, 11 Maltby Lane**, urged rejection of the measure and suggested that they instead start checking things off the needs list of the schools to raise the bar for education.

**Shandrea Perry, (no address given nor can be located-parent in the Seach School district)**, urged the Council to reject the measure. She asked that they take the funds and put towards the schools.

**Donna Peavey, 20 Peter Road**, and parent of a child at the Johnson ECC-also echoed the other comments urging the Council to reject the measure.

**Justin Galusha, 41 Rosemary Lane**, urged the Council to reject and noted that the amount of time taken up by free cash discussions, which at \$2 million represents 1.4% of the budget. There needs to be better review of the revenue side of the budget. He suggested quality is the key to education and has seen weaknesses in personnel and supervision. He also noted there appears to be a disconnect between Council and town departments. There are 115 school administrators-he suggests looking at the job descriptions. He would like to see more sharing of information including a supervision and organizational chart. If a teacher is not performing at a certain grade level, it puts more work on the teacher at the next grade. He would like to see what the public is getting for its money.

Council President O'Connor responded that there is sharing of information between Town and school departments, through the Education Committee, and the Council is actively engaged and receives copies of annual and other reports/reviews from the DESE. The Council is aware of the needs of the School Department.

**Judy Holmes, 876 Middle Street**, noted she is learning about the town and lack of money. She noted several issues at the Chapman school, namely 25% utilization of technology because they don't have the IT staff to keep the equipment running. They are not invested in a school where a student spends only 2 years.



**Dan Giannirea, 61 Essex Heights Drive**, thanked the Council for their service. He strongly urges opposition of the OPEB measure. He looked forward to hearing from the actuary. There is growing parental concern that administration will not support funding to schools. He cites that buildings are old, and there are no science curriculum at primary levels and that now is a critical time. The town is entering an election year for Mayor and Council. He noted he is a lifelong resident, and that when one chooses a town, you choose a school system. If they want to attract families, they need to support education.

**Robert Montgomery, Thomas, 848 Washington Street**, noted that the Council can only reject or reduce a measure from the Mayor; read the charter. OPEB violates the 14<sup>th</sup> amendment. \$224 million in unfunded debt goes on the books in FY2016? CFO McKinney responded that the pension liability goes on the books, not the OPEB. Mr. Montgomery Thomas reported that rejecting it and giving it to the schools is not within the Council's purview. What would work is communication, letters to the Mayor, cosigned by hundreds, letters to the editor, might get the Mayor's attention.

**Andrea Honore, 61 House Rock Road**, urged the Council reject the \$700,000 measure and write a letter to the Mayor. She suggested that if the Council rejects the measure, the citizens write, email and call the Mayor to urge her to put the money toward educational needs.

**Gus Perez, 16 Hewitt Road**, asked a procedural question. He asked if this is the last chance for public comment or will the Council further continue the public hearing.

Councilor Molisse responded that the Budget/Management Committee plans to vote this measure on February 17 2015.

**Robert Montgomery Thomas, 848 Washington Street**, suggested that for those who want to write to the Mayor and sign en masse, they should bring to the Mayor's office and have it date stamped. Always leave a paper trail. He suggested they could draft a petition.

A motion was made by Vice President Smart to close the public hearing on measure 14 114-Free Cash-OPEB Liability Trust Fund and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Councilor McDonald asked if Mr. Frank has been paid in full for the audit, and if not, he suggests not paying the balance until he has fulfilled the terms of the contract. CFO McKinney noted that Mr. Frank is willing to report to the Council but there have been scheduling issues. Councilor McDonald suggested it's prudent and appropriate to have his presentation while the public is still in position to comment. Vice President Smart asked about the contract term and suggested they not use the firm again. It has been a huge frustration in getting him to report out.

A motion was made by Vice President Smart to take REPORTS OF COMMITTEES out of order and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Budget/Management Committee- Chairman Michael Molisse**

#### **14 116-CPC-Digitizing Weymouth Gazette and News**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on January 5, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action. A public hearing was held on January 20, 2015.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 116-CPC-Digitizing Weymouth Gazette and News; that the Town of Weymouth raise and appropriate the sum of \$5,000 from the Community Preservation fund, Historical Resources for the purpose of funding the costs associated with digitalizing microfilm reels for the Weymouth News and Gazette and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

#### **14 117-Reserve Fund Transfer-Municipal Finance**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 15, 2015, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 117-Reserve Fund Transfer-Municipal Finance; that the Town of Weymouth transfer the sum of \$50,000 from the Reserve Fund for the purpose of funding the costs associated with property revaluation, and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

#### **14 118-Reserve Fund Transfer-Human Resources**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 15, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 118-Reserve Fund Transfer-Human Resources; that the Town of Weymouth transfers the sum of \$18,000 from the Reserve Fund for the purpose of funding the costs associated with utilizing a Human Resources consultant and was seconded by Vice President Smart. Vice President Smart asked why the consultant was needed. CFO McKinney responded that services were provided for interim work between the prior director and the appointment of the new HR director. UNANIMOUSLY VOTED.

**14 119-Reserve Fund Transfer –Town Building Maintenance**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 15, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 119-Reserve Fund Transfer –Town Building Maintenance; that the Town of Weymouth transfer the sum of \$3,000 for the purpose of funding the costs associated with hiring a part-time custodian at the Weymouth Teen Center and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

**15 001-Appointment to the Historical Commission-Michael Murphy**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on January 5, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action. Dr. Murphy was invited to the table and reviewed his interest in serving.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 15 001-Appointment to the Historical Commission-Michael Murphy; that the Town of Weymouth, in accordance with Section 2-10 of the Town Charter appoints Michael Murphy of 425 Front Street to the Historical Commission for a term to expire on June 30, 2017 and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

**15 002-Appointment to the Recreation Commission-Mark Kilban**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on January 5, 2015. The committee met on January 20, 2015 and voted to forward the measure to the full Town Council with a recommendation for favorable action. Mr. Kilban was invited to the table to review his interest in serving the town.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 15 002-Appointment to the Recreation Commission-Mark Kilban; that the Town of Weymouth, in accordance with Section 2-10 of the Town Charter appoints Mark Kilban of 12 Clinton Road to the Recreation Commission for a term to expire on June 30, 2015 and was seconded by Councilor Mathews. This is to fill the vacancy created by the resignation of Steven Reilly. UNANIMOUSLY VOTED.

**14 114-Free Cash OPEB Liability Trust Fund**

A motion was made by Councilor Hackett to relieve the committee of and place it on the agenda for action on February 2, 2015 and was seconded by Vice President Smart. Councilor Hackett noted the measure was referred on November 2, 2014 and has been taken up several times but it continues to be delayed. They have heard from the public and a time sensitive needs list has been presented by the School Department. She urged the Council to take action. If the measure is rejected, it gives the Council sufficient time to devise a letter recommending a course of action to the administration. Vice President

Smart reported that he agrees with Councilor Molisse's suggestion for action on February 17, 2015 and will not support the motion. He agrees that the 17<sup>th</sup> gives the Council enough time to put a recommendation together for the administration. Councilor Hackett noted under Rule 39, that the Council could vote this evening. Rule 39 relieves the committee of its reporting obligations.

Councilor Lacey noted that the Council has done its work and he is anxious to take action. He urged the Council to consider Rule 39 relieving the committee of its obligation to vote out. Councilor Molisse reported that that the committee is booked for the 2<sup>nd</sup>, and this measure has been kept in committee to discuss what action should be taken; it was not being held in committee for any special reason other than a scheduling conflict.

Council President O'Connor suggested the motion be withdrawn. A discussion ensued. Several councilors are ready to vote the issue, which is pending the OPEB report. Councilor Mathews voiced his concerns as to whether this was the right approach without benefit of the Town Solicitor. He suggested the Budget/Management Committee include this on the February 2, 2015 agenda prior to that evening's Council meeting and vote it then. He would prefer a more cautious approach.

Vice President Smart also was in favor of relieving the committee and voting it now; he did not see any issue preventing it.

Councilor Mathews responded that the matter is not on the agenda under REPORTS OF COMMITTEES.

President O'Connor responded that it was a good point. Councilor DiFazio asked for a clear explanation as to why it needed to be voted tonight and not let the committee finish its work. Councilor Hackett responded that it is not scheduled to be heard until February 17, 2015 and there is a time-sensitive needs list that the school department has presented, which includes items for the upcoming PARCC testing this spring, and two weeks will make a difference.

Councilor DiFazio responded that rationale assumes the Mayor will immediately propose spending the funds on the schools.

Council President O'Connor noted that everyone is trying to do the right thing, and asked if the Budget/Management Committee could schedule a meeting before the next Council meeting. Councilor Molisse responded that he could attempt to so that it can be reported out on the February 2, 2015 Town Council meeting. Councilor Lacey noted that he would not be voting with any presumption that they are telling the Mayor how to conduct business, but will vote it strictly on its own merit. At 9:45 PM, Council President O'Connor called for a five-minute recess.

At 9:50 PM, the meeting reconvened. Councilor Molisse asked Councilor Hackett to withdraw her motion and he will schedule a Budget/Management Committee meeting to accelerate the measure. Councilor Hackett withdrew her motion.

## **OLD BUSINESS**

### **District Priorities Program-Council President Patrick O'Connor**

Council President O'Connor provided the Council with an update. The District Councilors will submit their proposals by Friday and the Budget/Management committee will deliberate at a future meeting. The list of priorities will be presented to the Council for consideration in the near future.

## **COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS**

### **15 007-Library Department Line Item Transfer**

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$2000 from Library-Management Salaries to Overtime for the purpose of funding the costs associated with an increase in overtime usage.

A motion was made by Vice President Smart to refer measure 15 007-Library Department Line Item Transfer to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

## **NEW BUSINESS**

### **15 003-Fiscal Year 2014 Audited Financial Statements and Management Letter-Town Auditor Richard Swanson**

Auditor Swanson reported that the audit results published by Melanson & Heath have been distributed to the administration and Council members. Mr. Byron will review the results with the Council at a future meeting; either on February 2<sup>nd</sup> or 17<sup>th</sup>.

A motion was made by Vice President Smart to refer measure 15 003-Fiscal Year 2014 Audited Financial Statements and Management Letter-Town Auditor Richard Swanson to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **15 004-Reappointment Town Clerk/Kathleen Deree**

A motion was made by Vice President Smart to refer measure 15 004-Reappointment Town Clerk/Kathleen Deree-Vice President Smart to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **15 005-Reappointment Assistant Town Clerk/ Lee Hultin**

A motion was made by Vice President Smart to refer measure 15 005-Reappointment Assistant Town Clerk/ Lee Hultin to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**15 006-Ordinance Amendment to Chapter 7:**

**-Section 7-600-Private Property Maintenance**

**-Section 7-601-Vacant or Foreclosing Private Property**

**-Section 7-602-Anti-Blight Program**

**-Councilors Rebecca Haugh and Thomas Lacey**

Councilor Haugh presented the measure with Councilor Lacey and requested referral to the Ordinance Committee:

*“The first section of the proposed ordinance addresses private property and vacant/foreclosing properties from posing nuisance or dangerous situations in Weymouth so that these properties will not jeopardize the health and safety of neighbors, abutters and the public. The second section is an anti-blight program; the purpose is to address the blighted conditions that exist in the town and contribute to the decline of the neighborhoods, adversely affecting the economic well-being of the town and may pose adverse effects to the health, safety and welfare of the town. Many blighted conditions can be rehabilitated, reconstructed, demolished and reused to provide a safe, sanitary quality of life for the public, occupants, abutters and neighbors. This is a significant problem that has affected virtually every section of Weymouth in recent years, and needs to be addressed. It needs the Council to speak up, stand up and protect the people; those who are long-time residents here, those who have chosen to invest in Weymouth in a new home, and the future generations whose growing up here is being shaped and molded by their surroundings and the people in it. This proposed ordinance was derived by researching MA General Laws, the Massachusetts State Sanitary Code, other municipalities’ similar ordinances and our own Health Regulation #17. Although we wrote the best possible version within our capabilities, we look forward to working with the Ordinance Committee and appropriate town departments and the town’s legal team, to ensure the final product is fully enforceable, legal and otherwise protects the citizens of Weymouth to the best of our ability. Thank you for your consideration.”*

Councilor Lacey added that this is at least the third attempt to approach a measure of this type. He and Councilor Haugh believe that the work, particularly the research that other municipalities have invested, will position them well to partner with the Mayor’s office, town departments and the Ordinance Committee to move this forward.

A motion was made by Vice President Smart to refer measure 15 006-Ordinance Amendment to Chapter 7

-Section 7-600-Private Property Maintenance

-Section 7-601-Vacant or Foreclosing Private Property

-Section 7-602-Anti-Blight Program

to the Ordinance Committee and was seconded by Councilor Mathews.  
UNANIMOUSLY VOTED.

**ADJOURNMENT**

The next regularly scheduled meeting of the Town Council is scheduled for Monday, February 2, 2015.

At 9:58PM, there being no further business, a motion was made by Vice President Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Patrick O'Connor

**Voted unanimously on 2 March 2015**