

**TOWN COUNCIL MEETING MINUTES**  
**Town Hall Council Chambers**  
**October 20, 2014, Monday**

Present: Patrick O'Connor, President  
Michael Smart, Vice President  
Robert Conlon, Councilor  
Kenneth DiFazio, Councilor  
Jane Hackett, Councilor  
Ed Harrington, Councilor  
Rebecca Haugh, Councilor  
Arthur Mathews, Councilor  
Brian McDonald, Councilor  
Michael Molisse, Councilor

Not Present: Thomas J. Lacey, Councilor

Also Present: William McKinney, Chief Financial Officer  
Richard Swanson, Town Auditor  
George Lane, Town Solicitor  
Kathy Deree, Town Clerk  
Michael Gallagher, Director of Administrative Services  
Richard Grimes, Chief, Weymouth Police Department

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll. Council President O'Connor reported that Councilor Harrington will be arriving late and Councilor Lacey is absent due to a family commitment.

**ANNOUNCEMENTS**

Councilor Mathews announced the town will hold a Hazardous Waste Disposal Day on October 25, 2014 from 9AM to 1PM at the DPW parking lot. Residents can bring household hazardous waste and unwanted medications for proper disposal by the town.

Councilor DiFazio announced the next meeting of the East Weymouth Neighborhood Association on October 21, 2014, to be held at the Venetian Restaurant. The meeting will begin promptly at 7PM. Pizza will be provided by the EWNA and a cash bar is available. The Mayor will provide an update on the progress at Legion Field, Southfield and Weymouth Landing; Jim Clarke and Zoning Board of Appeals Chairman Richard McLeod will answer questions on development.

Councilor Molisse announced the weekend celebration of the Abigail Adams Association re-enactment of the wedding of Abigail and John Adams on October 24, 2014.

Information is available at the website: [www.AbigailAdamsbirthplace.com](http://www.AbigailAdamsbirthplace.com)

Councilor Smart announced the recent flu clinic at Weymouth High School, sponsored by the Department of Public Health, successfully immunized 1,000 residents under the direction of Dan McCormack, he credited the town staff for their efforts.

Councilor Conlon announced Trick-or-Treat hours have been established by the Police Chief during the hours of 4:30 – 7:30 PM on Friday, October 31, 2014.

## **MINUTES**

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

A Motion was made by Vice President Smart to approve the minutes from the Budget/Management Committee meeting of September 15, 2014 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

### **Town Council Minutes from Meeting of September 15, 2014**

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

## **PUBLIC HEARINGS**

### **14 094-National Grid Joint Pole Petition-Front Street**

A Motion was made by Vice President Smart to re-open the public hearing on 14 094-National Grid Joint Pole Petition-Front Street, and was seconded by Councilor Mathews. This was continued from the October 6, 2014 meeting. Abutters were notified September 29, 2014. UNANIMOUSLY VOTED.

Robert Swift of DHA, a design consulting company for National Grid, was invited to present the revised proposal. At the request of President O'Connor, Mr. Swift presented the revised proposal. It includes the elimination of pole 106S in front of the Jordan home and relocation of pole 111 on Front Street. President O'Connor thanked Mr. Swift for meeting further with the abutters to resolve their issues. During this discussion, at 7:37 PM, Councilor Harrington arrived.

A Motion was made by Vice President Smart to close the public hearing on 14 094-National Grid Joint Pole Petition-Front Street and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A Motion was made by Vice President Smart to consider measure 14 094-National Grid Joint Pole Petition-Front Street under 2-9(b), same night action, and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A Motion was made by Vice President Smart to approve measure 14 094-National Grid Joint Pole Petition-Front Street and was seconded by Councilor Mathews; that the Town

of Weymouth allow National Grid to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary, to be owned and used in common by petitioners in the following public ways: Front Street under Plan #14861129 dated June 16, 2014, as amended.  
UNANIMOUSLY VOTED.

**14 104-Reorganization Plan-Revision to the Code of Ordinances Chapter 4-209(C)**

A Motion was made by Vice President Smart to open the public hearing on 14 104-Reorganization Plan-Revision to the Code of Ordinances Chapter 4-209(C) and was seconded by Councilor Mathews. This was published on October 10, 2014.  
UNANIMOUSLY VOTED.

Michael Gallagher was invited to the table to provide an overview of the reorganization changes. On August 25, 2014, a measure was submitted to make a change to the code of ordinances. After deliberation it was determined that the action could be considered a reorganization and Solicitor Lane was consulted and agreed. The measure was withdrawn and measure 14 104 was submitted as a reorganization plan. The accompanying message from the Mayor provided an overview of the process and the expected outcomes. At a meeting of the Ordinance Committee on October 14, 2014, the outcomes were summarized. The item seeks to move the Traffic Supervisor group from the Police Department to the School Department, where they will report to the building principal at the school to which they are assigned. The same people will continue to provide the same services, but the funding will come from the school budget and not the police. There are currently nine members of the unit assigned to primary and middle schools.

Police Chief Grimes and Superintendent Salim both support the action. President O'Connor clarified that the purpose of the issue is to remove language in the code of ordinances. Mr. Gallagher noted that until the School Committee votes to accept the contract it continues under the police department. President O'Connor reiterated the vote will be to remove language in the Code of Ordinances. Councilor Harrington asked if the reorganization will occur whether or not the Council takes a vote. President O'Connor responded that the administration has already negotiated a contract and signed an agreement; it's now up to the School Committee to accept what has been negotiated. Mr. Gallagher responded that it is a question better answered by the Town Solicitor. Solicitor Lane responded that the Council is voting on the ordinance change to delete the supervision of the police department. The question becomes does the collective bargaining agreement say where the jurisdiction will go? There is consideration to be given to the school department. It would seem the reorganization would depend on the ordinance change and the collective bargaining agreement. It's under the Police Department at the present time; the ordinance change is to delete that provision.

Councilor Hackett noted a point of information; the measure up for consideration is a public hearing only; it is not up for a vote at this time. The matter is still under consideration at the Ordinance Committee and continued to after the public hearing. Mr. Gallagher quoted from the last paragraph of the charter; *"an organization or reorganization plan shall become effective at the expiration of sixty days following the*

*date the proposal is submitted to the Town Council unless the Council shall by a majority vote within such period vote to disapprove the plan. The Town Council may vote only to approve or disapprove the plan and may not vote to amend or to alter it.”*

The following are the comments from the public:

**Linda MacDonald, 58 Laurel Street**, urged the Council not to support this proposal. She added information she said was omitted in the packet on the website. She noted the reductions that prompted the action to cover the costs of the Quinn Bill no longer funded by the state. To make up the difference, cuts were made that included the traffic supervisors. She noted one union group was eliminated illegally in order to fund another. She further commented that elimination of this union group was based on the gender of its members. Her comments were provided in writing at the meeting and are attached.

Council President O'Connor took offense to Ms. MacDonald's comments that any action was gender-biased. The decision was made by the police department in order to save officers' jobs. Mr. Gallagher reiterated that the proposal is not to eliminate the traffic supervisors, but to transfer them from the aegis of the Police to School Committee.

**Robert Montgomery Thomas 848 Washington Street** also disagreed with Ms. MacDonald's gender comment. The School Department is autonomous. He supported keeping the unit under police supervision because they have certain police powers and suggests the School Department reimburse the services; similar to how a detail is handled. The School Department is hesitant to give up any money. He also noted that the teachers do not have an OPEB problem; theirs is fully funded from the budget. They need to give up a little. There are positions in the School Department that can be eliminated or reduced. He believes a team approach would be a solution. He sees a problem with a reorg plan proposed by the Mayor as a way to impose standards on the School Department when they are autonomous.

Mr. Gallagher responded that a reorg plan does not force them on the School Department. The School Committee must vote to accept the contract and at that point accept the bargaining unit. He also noted that traffic supervisors do not have special police powers; it is a civilian workforce that falls under the auspices of the Police Department and can only cross children in the crosswalks at the schools to which they are assigned. They cannot ticket or levy fines and can only report violators to the police like any other civilian.

President O'Connor noted the process has been confusing; with one measure submitted and then withdrawn and then a new measure proposed. He asked if everything hinged on the School Committee accepting the unit, why wasn't the first step following the successful negotiation to contact the School Committee to see if it would accept the contract before bringing it before the Council? Mr. Gallagher responded that school administration and the chair of the School Committee were approached prior to bargaining. He isn't sure it could be handled differently. The School Committee could potentially vote, pending Council approval. It is a discussion that could be held after the

public hearing. President O'Connor suggested a more appropriate path would have been to bring it before the Council after a contract was ratified.

Councilor DiFazio asked Mr. Gallagher why the change is necessary. Why does the administration want them to be reporting to the school administration instead of the police? Mr. Gallagher responded that several factors make it reasonable; the building principals have the authority to handle the issues that occur at their buildings under the Education Reform Act. Before the supervisors were reinstated, the function was handled by a civilian workforce at the schools and the principals had local control to manage the situation. The town would also be saving some unemployment costs. There have been vacancy reporting issues that will be resolved by principal control. Councilor DiFazio noted that for those reasons and because there was no strong union opposition make it reasonable. Mr. Gallagher responded that it was also negotiated in the current contract.

**Gus Perez, 8 Hewitt Road** agreed that it is confusing and a mishandled process. He asked for the total cost of the process. Mr. Gallagher responded \$80,000. Mr. Perez noted that the supervisors have been under the jurisdiction of the police for 47 years, and it wasn't until the embarrassing misstep that ended up costing the town half a million dollars that it became a problem. The reason the schools took over the traffic crossing function was the positions had been eliminated illegally.

President O'Connor interjected that the union was eliminated legally. The illegality surrounded the function reinstatement by the School Department.

Mr. Perez responded that the Labor Board determined that an illegal action took place by replacing union positions with nonunion ones.

President O'Connor responded that the original plan by the School Department was to replace the positions with a volunteer force and it did not work, so they opted for a paid traffic employee.

Mr. Perez noted that the perception of suspicion is because of the incomplete information. He also noted that there are still arguments before the labor board, which are not yet resolved. Until everything is resolved, the Council should decline the change. He also noted the chief's comments regarding budget problems. The school budget has historically been underfunded. There is no compelling reason to change.

Mr. Gallagher responded that while the position was under the police the last 47 years, there have been changes that precipitated changes in the workforce. At one time there were 42 positions at major intersections as well as schools. Fewer children walk to school than at any time in the past. As a result of a police study, the number of positions was reduced to 9 full time positions at 7 primary and 2 middle schools. They are not in uniform; they wear a safety vest and hold up a stop sign. The average driver doesn't know those particular people work for the police.

Councilor Molisse noted that they don't know if the School Department is willing to take

on the function. The School Committee has not weighed in. Why would they if there are pending legal actions or grievances?

Councilor Conlon asked for clarification as to procedure when a supervisor calls in sick. Mr. Gallagher responded that the supervisor calls in to the police department. Councilor Conlon then asked if the chief sends out a uniformed officer to man the vacant crossing? Mr. Gallagher responded no and deferred to the Chief for further clarification.

Sean Guilfoyle, Weymouth School Committee Chair, noted that he has had personal conversations with their members who all expressed an interest in having the principals deal with the issues. It has been discussed only informally and was tabled on their agenda because the Council has not taken action yet. If the Council likes, he would put it on their agenda for discussion.

Councilor Molisse responded that he would like a letter indicating where the School Committee stands, as they did when Southfield was being negotiated. Mr. Guilfoyle also noted that the teachers pay their own pensions, not the town as Mr. Montgomery Thomas indicated.

Council President O'Connor noted it was discussed at the Ordinance Committee meeting. Mr. Guilfoyle noted the presence of police resource officers in the schools. There is a police/school partnership at all school levels that is making a difference. He acknowledged the chief and his staff for recent training in the schools. They are happy to take on the crossing guards.

Mr. Gallagher noted the schools have budgeted \$50,000 for that function.

Councilor Smart asked that if it has not been discussed at School Committee, how can the chair make a bold statement that they would support it? It has never been discussed in open session. Mr. Guilfoyle noted he could certainly have the discussion at the next meeting. Councilor Smart also asked if the school department would transfer the \$50,000 back to the general government if they haven't used the resource? Mr. Guilfoyle responded that if this were not to change; he will get clarification from the School Committee.

Chief Grimes noted that a traffic supervisor calls in to the Police station to report for duty or report as unavailable. In the beginning he asked that their second call be to the school at which they work. He does not advocate covering vacant positions from active officers. Councilor Conlon merely asked for the policy and procedure. Dispatch calls the school to notify them that the position is vacant.

Councilor Haugh asked how many traffic supervisors applied for unemployment compensation prior to the layoff. Mr. Gallagher responded the majority claimed in summers and school vacation weeks.

Councilor Harrington asked for a dollar figure and was given \$17-20,000 per year prior

to the layoff.

Councilor Smart asked how many is considered a “majority” and what the minimum unemployment compensation amounts to for an employee who works 2 hours per day. At \$17,000 per year, per person, the minimum is more than they would be getting per week. The figures disclosed are not matching up and he requested clarity from the administration for the Ordinance Committee meeting since this is what it’s all about. The only difference is unemployment compensation.

**Chris Primiano, 82 Rindge Street** supported keeping the function in the Police Department. He asked the chief if he had the budget dollars, would the function be better served under the Police Department. Chief Grimes responded that it has worked better under the school principal. It was not always the policy to notify schools; just has been the policy the last few years they learned that it works better under the schools regardless of the budget. Mr. Primiano responded that the supervisors are perceived by the general public to have some authority in the police venue.

**Linda MacDonald** noted that numbers have dropped in every department and it’s a silly argument; there are fewer children in town and much less need for crossing guards. She would like to see them back in uniform. She requested if there is data from before regarding complaints and concerns for comparison. She noted in the past there were reserves to cover absences and there aren’t any now.

Mr. Gallagher provided the exact budget cost currently is \$89,319.

Council President O’Connor noted that there was a reserve force for backups prior to the layoff. Chief Grimes responded that the reserves were an on-call nonunion force that was not reinstated in the current contract.

**Robert Montgomery Thomas** noted that the earlier statement regarding the appearance of police powers is true; he noted that having traffic supervisors stop someone in the middle of the street is a police power. The cost to settle worked out to \$100,000 per year. Whether or not the School Committee brings it up-- they are autonomous. What happens next year if they choose not to fund it? He believes the position belongs in the Police Department and the School Department should pay for it.

Councilor McDonald asked why the group is eligible for unemployment compensation as police employees but not as school ones. Mr. Gallagher responded it has to do with a loophole in the Massachusetts unemployment laws. He will provide the Council with an article about this subject from the Worcester Telegram and Gazette.

**Gus Perez** reiterated that they need to have full and accurate, transparent information before they consider action, and Council President O’Connor responded that the measure is not up for a vote at this time; this is the public hearing. Mr. Perez responded that the public is not permitted to comment at the subcommittee level. There needs to be clarification on funding; the administration has proposed funding it for FY15, but after

that it would be part of the FY16 process. He also noted that the salary costs do count to Net School Spending.

Councilor DiFazio responded that the question has been posed twice to the administration whether this counts towards NSS and the answer they were given by the administration is that it does not. Mr. Perez asked if the legality of the move has been fully vetted; if the purpose of it is to keep them from applying for unemployment benefits, is it legal and is concerned that another grievance could be filed.

Council President O'Connor responded that it was negotiated once they came back and it was agreed to in collective bargaining. Mr. Gallagher agreed that it had been vetted with the bargaining unit and AFSCME as part of the whole process. Mr. Perez responded that the legality of the original layoff and hiring of other staff to replace them, despite their own legal counsel, was deemed illegal.

Council President O'Connor reiterated his stance. There is a lot of misinformation and the School Committee holds the key. Once the contract was bargained, it should go to the School Committee and then it should have come to the Council to be ratified.

Council Vice President Smart recommended closing the public hearing and scheduling another Ordinance Committee meeting.

A Motion was made by Vice President Smart to close the public hearing on 14 104-Reorganization Plan-Revision to the Code of Ordinances Chapter 4-209(C), and was seconded by Councilor Mathews. Councilor DiFazio thanked the contributors for their remarks. Council Vice President Smart asked for clarification for the Ordinance Committee meeting through the Solicitor-- whether their vote has merit; he wants to be clear what a "Yea" or "Nay" vote means. UNANIMOUSLY VOTED.

## **OLD BUSINESS**

### **Interim Proposed Budget for Southfield Redevelopment Authority (SRA)-Councilor Jane Hackett**

Councilor Hackett requested changing the title to just Southfield as standing matter, but keeping it on the agenda. The School Committee also has it as a standing agenda item.

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

### **14 105-General Government Supplemental Fiscal Year 2015 Budget Appropriation**

CFO William McKinney requested, on behalf of the Mayor, that the Town of Weymouth raise and appropriate the sum of \$144,110,028, which is \$400,000 greater than the amount of the annual appropriation of \$143,710,028 voted by Council on June 16, 2014 in measure 14 057, to provide for all the expenses for the maintenance and operation of the Town's several departments and activities for fiscal year 2015 by re-appropriating the following line items in the following amounts (with a correction to the amount requested



in the School Department item):

**Revenue:**

<b>Line Item</b>	<b>Description</b>	<b>Original Appropriation</b>	<b>New Appropriation</b>	<b>Increase</b>
11210430.425209	Base Services	\$200,000	\$600,000	\$400,000
Total				\$400,000

**Expenses:**

<b>Department</b>	<b>Line Item</b>	<b>Description</b>	<b>Original Appropriation</b>	<b>Requested Amount</b>	<b>Increase</b>
School Dept.			\$60,153,728	\$60,403,728*	\$250,000
Mun. Finance	11334450.531106	Oth Prof Svc.	\$200,000	\$250,000	\$50,000
Reserve	11325201.573100	Reserve	\$500,000	\$600,000	\$100,000
Total					\$400,000

Furthermore, that the sum of \$50,000 is appropriated from the Waterways Fund to meet some of the costs of the Harbormaster's Program, a restatement of measure 14 057.

A Motion was made by Vice President Smart to refer measure 14 105-General Government Supplemental Fiscal Year 2015 Budget Appropriation, to the Budget/Management Committee and was seconded by Councilor Mathews. Councilor Hackett requested the representatives from Southfield Redevelopment Authority (SRA) be invited to the Budget/Management Committee and public hearing, but she noted there could be a conflict with the SRA on the dates. Councilor Molisse responded that Ms. Hachey will coordinate it. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

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

#### **14 101-Sale of Town Owned Land**

Councilor Molisse reported that this matter was referred to the committee on October 6, 2014. The committee met on October 20, 2014. An updated list with five items withdrawn was provided and the auction is scheduled for 1:00 PM on October 21, 2014 at the Whipple Center.

A motion was made by Councilor Molisse to approve item 14 101-Sale of Town Owned Land; that the Mayor is authorized to sell the parcels listed below:

<b>Address</b>	<b>Sheet</b>	<b>Block</b>	<b>Lot</b>	<b>Land Area</b>	<b>Assessment</b>	<b>Abutter</b>	
Liberty Street	55	606	2	5,208	36,700	Yes	
Sunnyplain Avenue	36	421	27	3,300	4,400	Yes	
Lambrose Street	33	425	28	5,000	25,600	Yes	
Main Street	61	639	37	19,080	4,900		

Western Avenue	40	456	15	53,900	156,300		
Lakecrest Path	34	437	11	6,800	62,800	Yes	
Oliver Road	30	386	15	3,675	134,000		
Piedmont Street	12	133	7	6,021	130,300	Yes	
Piedmont Street	12	133	3	5,600	129,400	Yes	
25 Emerson Street	14	171	2	8,394	32,100		withdrawn
27 Wingate Road	14	167	8	6,752	62,800	Yes	
Middle Street	26	289	11	10,300	1,200	Yes	
River Street	3	3	4	1,000	5,400	Yes	withdrawn
Holbrook Road	6	53	20	3,853	3,600	Yes	
Evans Street	7	78	10	6,156	3,700	Yes	
Idlewell Boulevard	9	139	18	3,657	3,700	Yes	
Narragansett avenue	13	155	13	4,833	3,800	Yes	
Campbell Street	52	608	2	40,000	6,200		withdrawn
French Street	55	606	37	7,200	4,600		
Victoria Avenue	55	611	39	2,920	4,200	Yes	withdrawn
Hingham Avenue	55	611	51	3,600	4,300	Yes	
Chelsey Way	64	636	64	9,341	1,000	Yes	
Royden Road (portion of lot)	49	557	18	1,000		Yes	withdrawn
Note- lots designated as abutter lots will be sold with the restriction that they are not buildable lots.							

The motion was seconded by Councilor Smart. He reported that he relayed a number of concerns and questions regarding ownership, which administration has addressed, and he is comfortable moving forward. Councilor Molisse responded that as a result, Jim Clarke will further review the five items that are withdrawn, but they should be able to go forward with those parcels in the future.

Councilor Hackett reported that she is waiting for a response from the administration regarding any restrictions on the ability to raise and appropriate funds from the sale or whether they are allowed to automatically fall to free cash, but she is also comfortable moving forward at this time. **UNANIMOUSLY VOTED.**

## **ADJOURNMENT**

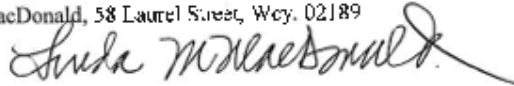
The next meeting of the Town Council will be Monday November 10, 2014 due to the election. At 8:59 PM; there being no further business, a MOTION was made by Vice President Smart to ADJOURN the meeting and was seconded by Councilor Mathews. **UNANIMOUSLY VOTED.**

Attachment: Comments directed to the council from Linda MacDonald, 58 Laurel Street

October 20, 2014

Linda MacDonald, 58 Laurel Street, Wey, 02189

To the Town Council,



I would like to add some information to what was omitted by the mayor and Chief Grimes in their background information to you.

I was at the May 5, 2010 Budget Committee meeting when this decision was made. Aside from the recording secretary, I was the only woman in the council chambers with 6 councillors and 6 Town Employees—all men. No one from the schools was present nor was the mayor there.

Because the mayor had specifically mentioned allocating funds to pay for the traffic supervisors' collectively bargained raise in her budget address to you—I think this action of collectively wiping out the traffic supervisor division was a surprise to the community.

The reason—which was not offered until I asked about it) for the requested reductions of \$453,000 in the FY-2011 budget was because the state had stopped funding its 50% of the Police Career Incentive Pay or Quinn Bill. In FY-2009 and each of the previous years the town had received around \$500,000.00 from state tax coffers to pay officers for getting college degrees. In FY-2010 this dropped to \$92K and then was eliminated from future state budgets.

In order to make up the difference that we were contractually obligated to pay, the chief made cuts. At the time, the total cost to the department for traffic supervisors was \$122,778—which was more than likely less than the Chief's salary and certainly less than we pay for services of less importance and less benefit to the town than ensuring the safety of our children.

The other cuts were a sort of cleaning house of unfilled vacancies within the department—no officers were laid off—there were reductions of \$5000 in overtime and \$6775 in miscellaneous expenses that brought the total to \$453K. The traffic supervisors were less than 30% of this amount but made up all of the real job losses.

This amount was then added to the \$500k the police department budgeted for the Quinn Bill, ensuring that we could pay officers for college degrees they are still not required to have and that we were contractually obligated to pay. An obligation that the 2012 Supreme Judicial Court decided we are no longer obligated to pay.

To add further disrespect to the move, during that same meeting the councillors unanimously approved expenditures of free cash for a new \$35K police vehicle, \$17k for a new police report filing system that was to be trialed in order to save the department money, and a reserve fund transfer of \$12,670 for ammunition.

How often exactly do police fire their weapons in Weymouth?

Respectfully submitted by Mary Barker, Recording Secretary

Approved by Council President Patrick O'Connor  
Voted favorably on November 11, 2014