

TOWN COUNCIL MEETING MINUTES
Town Hall Council Chambers
October 6, 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
Thomas J. Lacey, Councilor
Arthur Mathews, Councilor
Michael Molisse, Councilor

Not Present: Brian McDonald, Councilor

Also Present: Richard Swanson, Town Auditor
George Lane, Town Solicitor
Michael Gallagher, Director of Administrative Services
Kathy Deree, Town Clerk

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 McDonald was unavailable because of a family obligation.

ANNOUNCEMENTS

Councilor Harrington announced that progress continues on Brad Hawes Park. He also announced the meeting of neighbors regarding a group home, scheduled for September 29, 2014 was cancelled due to questions on the legality of the meeting. He can be reached by phone or email by constituents who have any further questions on the matter. He also announced the next game of the WHS Varsity Football team at Braintree October 17th and the next home game will be October 24th.

Councilor Haugh announced the Health Department is the recipient of a \$110,000 grant paid over the next three years under the Patrick Administration in MASS in Motion and Wellness grants. Weymouth will receive \$30,000 in FY15, and \$40,000 in each of FY16 and FY17.

Councilor Conlon announced he will not be holding constituent office hours on Tuesday October 7th. He also thanked the Mayor and her assistants, John Mulveyhill and his crews for the successful Great Pumpkin Giveaway last Saturday. Council President O'Connor and Councilors Hackett and Molisse presented a citation

recognizing Parks and Recreation Director Mike Doyle who is leaving Weymouth for other employment. They honored his service from 1978 to the present. He was given a standing ovation and expressed his thanks to the town. Council President O'Connor reported that the Mayor will honor him from 11-12 on Thursday, October 8, 2014 in Council Chambers.

Local 1616 Weymouth Firefighters Award Presentation to Town Council by
– Jim Young, President Local 1616 Weymouth Firefighters
-Jeffrey Wall, Secretary/Treasurer Local 1616 Weymouth Firefighters

Jim Young and Jeff Wall noted that one year ago the Town Council voted to make October *Breast Cancer Awareness* month and the Firefighters conducted a pink shirt campaign. The local learned last February that it placed 2nd in a national competition for the campaign and it wanted to recognize the Weymouth residents who contributed to this effort. The local presented a citation to the citizens and the Town Council accepted it on their behalf. Council President O'Connor noted it will be hung in a prominent place in Town Hall to keep awareness in the forefront and reminded the Council to wear something pink to the next meeting.

MINUTES

As related to the executive session minutes, Councilor O'Connor noted that those Councilors who were in office during the time of the meetings may these minutes; those who were not must abstain.

Budget/Management Executive Session Minutes from Meeting of June 6, 2006

A Motion was made by Vice President Smart to approve the minutes from the Executive Session of the June 6, 2006 meeting and was seconded by Councilor Mathews. Councilors Conlon, Hackett, Harrington and Haugh abstained. UNANIMOUSLY VOTED, 6/0/4.

Town Council Executive Session Minutes from Meeting of June 19, 2006

A Motion was made by Vice President Smart to approve the minutes from the Executive Session of the June 19, 2006 meeting and was seconded by Councilor Mathews. Councilors Conlon, Hackett, Harrington and Haugh abstained. UNANIMOUSLY VOTED, 6/0/4.

Budget/Management Executive Session Minutes from Meeting of March 15, 2010

A Motion was made by Vice President Smart to approve the minutes from the Executive Session of the March 15, 2010 meeting and was seconded by Councilor Mathews. Councilors Hackett and Haugh abstained. UNANIMOUSLY VOTED, 8-0-2.

Town Council Meeting Minutes of September 2, 2014

A Motion was made by Vice President Smart to approve the minutes from the September 2, 2014 Town Council meeting 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 open the public hearing on 14 094-National Grid Joint Pole Petition-Front Street and was seconded by Councilor Mathews. Abutters were notified September 29, 2014. UNANIMOUSLY VOTED.

Robert Swift of DHA, a design consulting company for National Grid, was invited to present the proposal. The request for utility plans is to extend the feeder line on Front Street from Winter to West Streets in order to alleviate overload on the existing line. The petition is for four new stub poles. Mr. Swift reviewed their locations.

Vice President Smart asked if it will be a new line from the substation. Mr. Swift confirmed that existing 3-phase circuits will be re-conducted; they are removing the old and putting in larger size wire. The substation is located behind the old MASS Electric building.

David Jordan- 838 Front St. noted one of the poles proposed is across from his home (12' from residential driveway) and he has safety issues. Cars regularly travel in excess of the speed limit and wires have been taken down. It's also on a curve between Ells Ave and Mill Street. He is concerned with a pole across from his home which will negatively impact his property values. Mr. Swift proposed a solution by placing a pole across the street. Councilor Lacey asked if the two parties have discussed this pole relocation prior to the meeting. Mr. Jordan responded that he had a conversation with Mr. Swift, but has not had a response to his call to National Grid. Councilor Lacey suggested that Mr. Swift work with the residents of the street.

Steven Gendron, 879 Front Street noted he has a pole located in his driveway and asked if the replacement will be larger and attached by guy wires. Mr. Swift reviewed the plans with him.

Councilor Mathews suggested that in the future, the utility company meet with abutters, prior to the public hearing. Council President O'Connor suggested the utility representative and neighbors adjourn to the Kelly Room and resolve issues before continuing further.

A Motion was made by Councilor Lacey to continue the public hearing on 14 094-National Grid Joint Pole Petition-Front Street to later in the meeting and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

14 099-Ordinance Revision/Section 4-209-Police Department, Continued from September 15, 2014

A Motion was made by Vice President Smart to continue the public hearing on 14 099-Ordinance Revision/Section 4-209-Police Department and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

President O'Connor reported that this measure was continued from September 15th and he read a memo from the Mayor dated September 19, 2014. The memo requested the measure be withdrawn because it constitutes a reorganization and was therefore not filed correctly. It is the Mayor's intent to submit a new measure. He noted the new measure 14 104 is up for referral later on in the agenda and will be subject to a new public hearing.

A Motion was made by Vice President Smart to close the public hearing on 14 099-Ordinance Revision/Section 4-209-Police Department and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 102-National Grid Gas Main Petition/Reservoir Run and Brian David Way

A Motion was made by Vice President Smart to open the Public Hearing on 14 102-National Grid Gas Main Petition/Reservoir Run and Brian David Way and was seconded by Councilor Mathews. Abutters were notified on September 29, 2014. UNANIMOUSLY VOTED.

Dennis Regan, representative from National Grid, reviewed the proposal for 1,100 feet of 2-inch gas line (with a correction for a typo in the language- change number 6 to 9).

Councilor Harrington noted the neighbors are anxious to get this work completed before the November 15th deadline. He thanked Councilor Molisse for bringing this back for active consideration.

Ed Meehan- 38 Reservoir Run, thanked the Councilors and their staff on behalf of residents of Reservoir and Brian David Way, regarding placing a priority on this work.

Vice President Smart asked if there will be street plating. Mr. Reagan responded that it will be plated at the very beginning, and where it ends each day. They plan to backfill as it is done. There will be inspectors on site. Vice President Smart asked that he review the town guidelines concerning the fill. There will be a pre-construction conference and all concerned will be notified before digging begins.

Councilor Mathews expressed his concern that the subcontractors may be spread too thin. Washington Street has been ripped up for months and he is concerned with the quality of this work and whether everything will be completed before the deadline. Mr. Reagan will relay that message to those involved at NGRID.

A Motion was made by Vice President Smart to close the public hearing on 14 102-National Grid Gas Main Petition/Reservoir Run and Brian David Way and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A Motion was made by Vice President Smart to consider 14 102-National Grid Gas Main Petition/Reservoir Run and Brian David Way for action 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 14 102- National Grid Gas

Main Petition/Reservoir Run and Brian David Way and was seconded by Councilor Mathews. Councilor Harrington noted he did not want to delay this measure, but would like to see a settlement negotiated soon for Washington Street but not linked to this issue. UNANIMOUSLY VOTED.

OLD BUSINESS

14 096-Appointment to Youth Coalition-Rev. Dion Maeda-Vice President Michael Smart

Vice President Smart reported that this matter was referred to the Budget/Management Committee on September 2, 2014. The committee met on September 15, 2014 and tabled the matter as the appointee was not present.

A Motion was made by Vice President Smart on measure 14 096 to relieve the Budget/Management Committee and take the matter up later under Motions, Orders and Resolutions and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Interim Proposed Budget-Southfield Redevelopment Authority-Councilor Jane Hackett

Councilor Hackett reported that the Mayor has forwarded a copy of the budget passed by the Authority. The second milestone is October 15th when they will have to develop a tax plan. They are meeting tonight and the Mayor and Chief Financial Officer McKinney are in attendance.

(14 094-National Grid Joint Pole Petition-Front Street)

A Motion was made by Vice President Smart to continue the public hearing on 14 094- and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Robert Swift reported he has met with the customers and proposed a resolution to their concerns. As a result, the basic scope of the plan will change. Council President O'Connor asked that National Grid submit revised plans as soon as possible, so the public hearing may be continued. Mr. Swift confirmed that he would resubmit revised plans.

A Motion was made by Vice President Smart to continue the public hearing to October 20, 2014 and was seconded by Councilor Mathews. Mr. Swift will send the revision and notify the abutters. UNANIMOUSLY VOTED.

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

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

A Motion was made by Vice President Smart to refer measure 14 104-Reorganization Plan- Revision to the Code of Ordinances Chapter 4, section 4-209 (C) to the Ordinance

Committee and was seconded by Councilor Mathews.

Michael Gallagher presented the measure. Councilor Molisse reported that he will not support the measure. Councilor Lacey noted that in discussion when this measure was last presented, there was a concern about this having been discussed in negotiations with the bargaining unit. He asked if there has been any further discussion with the members since then. Mr. Gallagher responded no; it was already discussed in negotiations.

Councilor Lacey asked if there is an intent to discuss. Mr. Gallagher responded that the union has not brought anything forward, and the administration has no plan to address.

Councilor Hackett asked whether the measure is subject to the 60-day time constraints and from when the clock starts ticking. Councilor Mathews read the language from the charter. The measure was submitted September 2, 2014.

Councilor Conlon concurred with Councilor Molisse and will not support. Councilor Haugh asked if representatives from the Police Department and School Department were present at the negotiations. Mr. Gallagher responded that the police had representation.

Councilor Lacey asked if the School Committee has taken a vote on the matter. Mr. Gallagher responded that the School Committee can't vote until the Council takes action.

Councilor Haugh asked the protocol for sick calls. She further noted that in the first few weeks of school there were three no-shows and it is a safety issue that must be addressed. Mr. Gallagher noted that the Traffic Supervisors call in to the Police Department.

Councilor Conlon asked if a patrolman fills in when a Traffic Supervisor calls in. Mr. Gallagher responded that he is not privy to the procedures. Councilor Harrington noted this is a budget shortfall situation and he asked if the administration has developed any revenue plan to address the issue. Mr. Gallagher responded not to his knowledge.

Solicitor Lane reiterated that the measure was withdrawn and the process starts again. The time clock is also restarted. The vote here is for a referral only.

A Roll Call Vote was called:

Councilor Conlon-NO
Councilor DiFazio-YES
Councilor Hackett-NO
Councilor Harrington-NO
Councilor Haugh-NO
Councilor Lacey-YES
Councilor Mathews-YES
Councilor Molisse-NO
Vice President Smart-NO
President O'Connor-NO

The Motion failed 7/3.

NEW BUSINESS

14 103-Call of the State Election-Vice President Michael Smart

Vice President Smart made a Motion to consider 14 103-Call of the State Election on November 4, 2014 under 2-9(b) Same Night Action, and was seconded by Councilor Mathews:

“The Town of Weymouth is hereby required to notify all inhabitants of said town who are qualified to vote in the state election to vote on Tuesday, November 4, 2014.”

UNANIMOUSLY VOTED.

MOTIONS, ORDERS AND RESOLUTIONS

14 096-Appointment to Youth Coalition-Rev. Dion Maeda-Vice President Michael Smart

A Motion was made by Vice President Smart to Affirm 14 096-Appointment to Youth Coalition-Rev. Dion Maeda; that the town of Weymouth appoints Rev. Dion Maeda of 241 Broad Street to the Youth Coalition for a term to expire on June 30, 2017. This is to fill the vacancy created by the resignation of Kathleen Godbout. The motion was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

14 099-Ordinance Revision/Section 4-209-Police Department- Vice President Michael Smart

A Motion was made by Vice President Smart to take No Action on item 14 099-Ordinance Revision/Section 4-209-Police Department and was seconded by Councilor Mathews. This is the measure withdrawn by the Mayor in a request dated September 19, 2014. He noted that no action is accepting the withdrawal of the measure.

Solicitor Lane suggested the process needs to be researched further. Under the town charter, section 5-1, whenever the Mayor proposes a reorganizational plan the Town Council shall hold one or more public hearings, giving notice, etc.. The measure has not been referred to the Ordinance Committee, so it leaves open the question- the mandate may be, but the Mayor has proposed this and whether or not there is action of the Council, it does not negate the fact that it requires holding a public hearing. This is what the charter appears to say, and he suggests that the matter be further researched.

Councilor Mathews noted that the Council is currently considering motion 14 099 and not 14 104. Solicitor Lane responded that he believes he would be remiss if he didn't speak up, again reiterating that the process needs to be reviewed.

Council President O'Connor asked to dispose of the motion on the floor- measure number 14 099 before going back to reconsider 14 104. UNANIMOUSLY VOTED.

A Motion was made by Vice President Smart to reconsider item 14 104-Reorganization Plan Revision to the Code of Ordinances Chapter 4, Section 4-209(C) and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

President O'Connor noted that he would like to review section 5-1 of the Charter further in light of the information Solicitor Lane brought out. He recommended no action on the referral tonight and suggested the Council take up the matter on October 20, 2014. He is unsure that a public hearing is required. Councilor DiFazio noted that despite the question on the public hearing requirement; if no action is taken, the clock is ticking and the proposed reorganizational plan automatically goes into effect.

A Motion was made by Councilor DiFazio to refer measure 14 104 -Reorganization Plan Revision to the Code of Ordinances Chapter 4, Section 4-209(C) to the Ordinance Committee and was seconded by Councilor Mathews. Councilor Harrington noted this was the clarification he was looking for. President O'Connor asked Solicitor Lane to advise whether the public hearing is required. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:50 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.

Respectfully submitted by Mary Barker, Recording Secretary

Approved by Council President Patrick O'Connor
Voted favorably on November 10, 2014