

TOWN COUNCIL MEETING MINUTES
Town Hall Council Chambers
November 10, 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
Brian McDonald, Councilor
Michael Molisse, Councilor

Also Present: Michael Gallagher, Director of Administrative & Comm. Svcs.
Richard Swanson, Town Auditor
George Lane, Town Solicitor
Lee Hultin, Asst. Town Clerk

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Assistant Town Clerk Lee Hultin called the roll with all members present.

MINUTES

Education Committee Minutes from Meeting of October 6, 2014

A motion was made by Vice President Smart to approve the minutes from the Education Committee meeting of October 6, 2014 and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

Town Council Minutes from Meeting of October 6, 2014

A motion was made by Vice President Smart to approve the minutes from the Town Council meeting of October 6, 2014 and was seconded by Councilor Mathews.

Ordinance Committee Meeting Minutes from Meeting of October 14, 2014

A motion was made by Vice President Smart to approve the minutes from the Ordinance Committee meeting of October 14, 2014 and was seconded by Councilor Mathews.

Budget/Management Committee Meeting Minutes of October 20, 2014

A motion was made by Vice President Smart to approve the minutes from the Budget/Management Committee meeting of October 20, 2014 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of October 20, 2014

A motion was made by Vice President Smart to approve the minutes from the Town Council meeting of October 20, 2014 and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes of October 27, 2014

A motion was made by Vice President Smart to approve the minutes from the Ordinance Committee meeting of October 27, 2014 and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Comments on Measure 14 104-Reorganization Plan-revision to the Code of Ordinance Chapter 4, Section 4-209(c)-Christopher Primiano of 82 Rindge Street

Mr. Primiano addressed the Council. He urged the Council follow the Ordinance Committee's recommendation for not supporting the measure. He suggested it is a budgetary move. He reported to the Council that after many years in business he has learned that moving an issue from one department to another without resolving it first is not an answer. The schools are not meeting Net School Spending and the Traffic Supervisors do not count towards NSS. They have the perception of limited undefined police powers. The discussions revolved around a minor entry but illustrate a larger systemic issue. The town needs to look at identifying new revenue streams and can't count on it from Southfield for many years. There have been discussions of possible sources including a town-run ambulance service or a proposition 2 ½ override. He urged that consideration of an override be included on the ballot. It could be used to add teachers, public safety personnel, fund the Traffic Supervisors and a town ambulance service.

OLD BUSINESS

Southfield Update

Council President O'Connor noted that there is nothing concrete to report yet.

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

14 108-Authorization to Include Retiree Health Care Costs in Determining Net School Spending Compliance

Mr. Gallagher requested on behalf of the Mayor that the Town of Weymouth accepts the four-year phase-in toward inclusion of retired teacher health insurance costs in determining Net School Spending compliance, commencing in FY2016, as specified in Chapter 165 of the Acts 2014 for the Weymouth School District. This measure does not require legal notice nor public hearing.

A motion was made by Vice President Smart to refer measure 14 108-Authorization to Include Retiree Health Care Costs in Determining Net School Spending Compliance, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 109-Appointment as Director of Human Resources-Gregory Guba

Michael Gallagher requested on behalf of the Mayor and under 2-10 of the Town Charter, that the town appoints Gregory Guba of 394 Ocean Ave. #812 to the position of Human Resources Director.

A motion was made by Vice President Smart to refer measure 14 109-Appointment as Director of Human Resources-Gregory Guba, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 110-Appointment to the Cultural Council-Patrick Anglund

Michael Gallagher requested on behalf of the Mayor and under 2-10 of the Town Charter, that the town appoints Patrick Anglund of 473 Essex Street, to the Cultural Council for a term to expire on June 30, 2016.

A motion was made by Vice President Smart to refer measure 14 110-Appointment to the Cultural Council-Patrick Anglund-to the Cultural Council, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 111-Appointment to the Cultural Council-Charlotte Champagne

Michael Gallagher requested on behalf of the Mayor and under 2-10 of the Town Charter, that the town appoints Charlotte Champagne of 311 Lake Street, to the Cultural Council, for a term to expire on June 30, 2016.

A motion was made by Vice President Smart to refer measure 14 111-Appointment to the Cultural Council-Charlotte Champagne, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee- Chair Kenneth DiFazio

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

Councilor DiFazio reported that this matter was referred to the Ordinance committee on October 6, 2014 and provided the following report:

- *Prior to the Town Council's receipt of Measure 14 104, the Town Council received Measure No. 14 099 on August 25, 2014. This measure was a request by the Mayor for a revision to Ordinance Section 4-209 entitled Police Department. Measure 14 099 essentially requested that the Ordinance Section 4-209(c)(1)*

entitled School Traffic Supervisors, be deleted in its entirety. Measure 14 099 is marked as EXHIBIT A within the packet. This measure was referred to the Ordinance Committee on September 2, 2014 at the regularly scheduled Town Council meeting.

- *A public hearing on Measure 14099 commenced on September 15, 2014. On that date the Town Council voted to continue the Public Hearing to the next Town Council Meeting. He references the Town Council minutes of 9/15/14 marked EXHIBIT B.*
- *On September 19, 2014 the Town Council received correspondence from the Mayor's office which requested withdrawal of Measure 14 099 due to the fact that the objective of the measure constituted a reorganization under Article 5, section 5-1 or the Town of Weymouth Home Rule Charter. This correspondence is marked EXHIBIT C.*
- *On October 2, 2014 the Town Council received Measure 14 104 from the Mayor proposing a Reorganization Plan, Revision to the Code of Ordinances Chapter 4, section 4-209C. Reference EXHIBIT D along with EXHIBIT E which is the back up information for measure 14 104. EXHIBIT F is a copy of the pertinent parts of the charter regarding reorganization plans.*
- *At the Town Council Meeting of October 6, 2014 the Town Council voted to close the public hearing on measure 14 099 based upon the Mayor's previous notice of withdrawal of the measure. At this same meeting the new measure 14 104 was referred to the Ordinance Committee. Minutes of the October 6, 2014 Town Council Meeting are marked as EXHIBIT G.*
- *On October 7, 2014 the Ordinance Committee issued correspondence to the Mayor for a "First Request for Additional Information Regarding Measure 14 104." Marked as EXHIBIT H.*
- *On October 10, 2014 the Ordinance Committee received from the Mayor's office a response to the first request for additional information. The response is marked EXHIBIT I.*
- *On October 14, 2014 the Ordinance Committee deliberated measure 14 104. The draft minutes are marked as EXHIBIT J.*
- *On October 20, 2014, at a regularly scheduled Town Council Meeting, the public hearing on measure 14 104 was opened and closed the same evening.*
- *On October 22, 2014 the Ordinance Committee issued its "Second Request for Additional Information Regarding measure 14 104" to the Mayor's office. Marked as EXHIBIT K.*
- *On October 26, 2014 the Ordinance Committee Chair received a copy of an email from the School Committee Chairperson to the Town Council President indicating there were new developments regarding the School Committee's potential acceptance of having the Traffic Supervisors report to the School Dept. See EXHIBIT M.*
- *On October 27, 2014 the Ordinance Committee received from the Mayor's office the additional information requested, marked as EXHIBIT N. The committee deliberated the measure and voted 3-1-- not recommending the reorganization plan outlined in measure 14 104 go forward. Minutes of the Ordinance Committee meeting are marked as EXHIBIT O.*

Councilor DiFazio also provided other pertinent information to the discussion. He confirmed in writing that the salaries of the Traffic Supervisors do not count towards Net School Spending. The unemployment cost for nine members filing for unemployment is \$14,823. Attorneys Lane and Emerson and Mr. Gallagher all are in agreement that no other litigation issues are outstanding for this group. Chairman DiFazio also noted that he requested a memo from the School Committee stating if they would be willing to accept the group because the committee received mixed signals as to their willingness despite a statement from their chair representing the committee was in agreement and in favor of the move. He reported that part of the reason why the vote was not unanimous in committee is the belief there is still potential for future litigation. He concluded that the presentation by the administration was not satisfactory and led to skepticism and negativity by certain members.

A motion was made by Councilor DiFazio to adopt the vote of the Ordinance Committee which voted 3/1 **not** to go forward with the recommendation; he recommended the Council vote unfavorable action on item 14 104- Reorganization Plan-Revision to the Code of Ordinances Chapter 4, Section 4-209(c) that the Town of Weymouth amends the Code of Ordinances Chapter 4, Section 4-209(c) as follows:

(c) *The following services shall be contained within the Police Department and be subject to the general supervision and oversight of the Chief of Police:*

- ~~1. School Traffic Supervisors—The Chief of Police may appoint School Traffic Supervisors to handle school traffic. The duties of the School Traffic Supervisors shall be to control the flow of traffic by stopping, starting and directing such traffic. Any operator of any motor vehicle not obeying the hand signals of the School Traffic Supervisors on active duty shall have their registration taken and turned in to the Chief of Police, or Head of the Traffic Division within the Police Department.~~
- ~~2.~~ 1. Harbor Division—The Harbor Division shall be headed by a Harbormaster (see Section 3-312 of these Ordinances). The Harbor Division shall be responsible for the operation of all vessels in the harbor in conformity with MGL C.102, S.17-18 and all Town Ordinances adopted in relation to the harbor.
- ~~3.~~ 2. Animal Control Division—The Animal Control Division shall be headed by an Animal Control Officer as provided in Section 3-302 of these Ordinances. The animal Control Division shall be responsible for the enforcement of all laws relating to dogs, including but not limited to MGL C.140, s. 136A-175 and all Ordinances of the Town further regulating animals.

Councilor DiFazio clarified that a “yes” vote is supporting the Ordinance Committee’s recommendation **not** to move the measure forward. The motion was seconded by Vice President Smart.

Councilor Conlon reported that it appears to have been a move to sweep a bargaining unit out of town and it has been ruled unfair. He noted the costs in back pay and what the town has spent on litigation, but noted it is not just about money. He reported the present

system under the supervision of the Weymouth Police Department has ensured the safety of the towns' children. This has been a working relationship for over forty-seven years and he urged it be maintained under the Police Department.

Councilor Hackett thanked Councilors O'Connor and DiFazio for coordinating. She reported that she would not be supporting the action recommended by the committee because she feels the administration has shown this group is not a priority. If the unit remains in the Police Department, it risks being cut again. The Police Department has always felt this function would work best in the school system, and it has been working well this way over the years.

Councilor Smart reported that the Ordinance Committee came to an agreement that this is a public safety issue best served in the Police Department. He acknowledged the presence of the Traffic Supervisors and their hard work although they were not allowed to comment at the public hearings and committee meetings. The Chief also acknowledged their importance. Councilor Smart thanked Councilor DiFazio, Chair of the Ordinance Committee, for all the work organizing the two measures. It turned into a discussion around unemployment and could have been handled better. He sees it as one of the smallest unions being pushed around over \$9,000. He supports the Ordinance Committee's vote.

Councilor Molisse reported he supports the recommendation of the Ordinance Committee. He thanked the Traffic Supervisors and Councilor DiFazio for the thorough work putting together a package for the Council to review.

Councilor McDonald reported that he supports the motion. He noted that the situation was not handled well and it's not necessary to fix. He noted that wearing a uniform brings a perceived sense of authority. He thanked the Ordinance Committee for their diligence.

VOTE PASSED 10/1 (Councilor Hackett-NO).

Council President O'Connor reminded everyone that the Town's Veterans Day Ceremonies take place on Tuesday, November 11, 2014.

ADJOURNMENT

The next regularly scheduled meeting of the Town Council is Monday, November 17, 2014. At 8:00 PM, 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, Recording Secretary

Approved by Patrick O'Connor as Town Council President
Voted unanimously on 1 December 2014