

TOWN COUNCIL MEETING MINUTES
Weymouth Town Hall
Council Chambers
February 1, 2016, Monday

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

Absent: Robert Conlon, Councilor
Michael Molisse, Councilor
Brian McDonald, Councilor

Also Present: Ted Langill, Interim Chief of Staff
Kathleen Deree, Town Clerk
Joseph Callanan, Interim Town Solicitor
Richard Swanson, Town Auditor
Capt. Joseph Comperchio, WPD
Michael Flaherty, Director, Housing Authority

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with three councilors absent. Council President O'Connor reported that Councilors Conlon and McDonald were absent due to prior commitments. Councilor Molisse was absent due to the passing of his mother, Claire B. Molisse, a retired town employee (Library and DPW). A moment of silence was observed.

ANNOUNCEMENTS

Councilor Haugh announced on behalf of Superintendent Dr. Salim, Weymouth School Committee and the School Department and that the WPS Statement of Interest gained initial approval on January 26, 2016 by the SBAB and will be moving forward with the next stage of the feasibility study for the Chapman School building.

MINUTES

Town Council Meeting Minutes of December 7, 2015

A Motion was made by Vice President Smart to Approve the minutes from the December 7, 2015 Town Council Meeting and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

Joint Budget/Management and Ordinance Committee Meeting Minutes of December 7, 2015

A Motion was made by Vice President Smart to Approve the minutes from the joint Budget Management and Ordinance Committees Meeting of December 7, 2015 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 21, 2015

A Motion was made by Vice President Smart to Approve the minutes from the Town Council Meeting of December 21, 2015 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of January 4, 2016

A Motion was made by Vice President Smart to Approve the minutes from the Town Council Meeting of January 4, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

15 140-Community Preservation Committee-Housing Authority Security Cameras at Lakeview Manor

A Motion was made by Vice President Smart to Continue the public hearing on item 15 140 and was seconded by Councilor Mathews. This was published on January 8, 2016. UNANIMOUSLY VOTED.

Capt. Joseph Comperchio, WPD and Michael Flaherty, Director of Public Housing were invited to the table. Mr. Flaherty reported that he publicized and held meetings to inform the residents about the proposal to install cameras at Lakeview Manor and that they were very sparsely attended. The majority of those in attendance, however, were in favor of the proposal. The concerns that were brought up were in regards to invasion of privacy. He asked that the council move forward with the plan.

Council President O'Connor had asked Solicitor Callanan to research the allocation of CPA funds for the purpose, whether other communities have done this and the constitutionality of the use of cameras in public areas. Solicitor Callanan responded with a memo to the council:

1. Have CPA funds been used by other communities for security projects? Quincy Housing Authority approved \$125,000 for new cameras for security in June 2011. The Community Preservation Coalition maintains a database of communities' projects that use CPA money. A search of the database revealed twenty other projects utilizing CPA funds that were either safety- or security-related.
2. Is the use of cameras in public areas an unconstitutional invasion of privacy? There are Supreme Court precedents that allow the unenhanced video surveillance of public areas. Over the years the Supreme Court has limited the government's ability to use such things as infrared cameras to determine if a house was used to grow marijuana, so they found the enhanced use of cameras unconstitutional, but using a camera on the front door to surveille a criminal suspect's home was

constitutional. Based on criminal suspect cases, his opinion is that it is constitutional to be able to surveille a public area without invading someone's privacy because there's no reasonable expectation of privacy in the public areas in a public housing authority.

3. Would the use of CPA funds to install security equipment be permitted use? There are limited purposes for CPA funds and there are limited uses. Installing security cameras to preserve community housing and protect property is a permitted use under the Community Preservation Act.

Vice President Smart asked again whether other bids should have been sought. Capt. Comperchio responded that he contacted another vendor to obtain another estimate, but hasn't received it yet. The vendor is on the state contract list and he hopes to have the quote in a week or two.

President O'Connor noted that the matter is still in the Budget/Management Committee and no action has been taken yet.

The following are the comments from the public:

Jeanne Shea, Lake Street resident since 1999, supported the proposal, citing her personal safety.

Amanda Morrison, Lakeview Manor resident for six years, urged the council to redirect at least half of this funding to repairs in the housing units. She also asked where the cameras will be located in the common areas.

President O'Connor asked if there is a map indicating proposed camera locations. Capt. Comperchio responded that it is in their packet of information. Mr. Flaherty responded that he can hold additional meetings if there are still resident concerns. President O'Connor responded that he will have what they can posted to the town website. Vice President Smart further reviewed the map with Capt. Comperchio. Mr. Flaherty will provide a better site map; the original didn't copy well.

Nick Giannone, 58 Birchbrow Avenue did not support the measure, citing it as a violation of civil liberties. He noted that he is not comfortable with the WPD aiming cameras at housing. This will not solve the crime problems. Focusing on a low-income area scapegoats the residents. He would rather see funding redirected to rehabilitation services for drug addicts.

Cheryl Bolen, resident of Lakeview Manor since 1975 supported the measure. It will be good for the adults and the kids. She suggested it might deter criminal activity.

Robert Montgomery Thomas, 848 Washington Street, noted the comments he made at the last meeting. The project was recommended by a former employee and questioned who may stand to benefit from the work. He urged research on the vendor. He also noted

that privacy issue language could be inserted in tenant agreement leases going forward. The security system might need to be phased in. Statutory requirements of CPA funds indicates there is less funding available in community housing for other needs after this expenditure. He is confused about the cost – there is some from CPA and some from the state. Is the cost \$100,000 or \$130,000? He asked if the measure should more appropriately be part of the police budget request. He questioned whether the intent of the Community Preservation Act is realized in this measure. The use of funds should be used to provide housing and housing support to those who need it and that should be the priority.

Councilor Mathews asked for clarification on the funding question. Mr. Flaherty responded that the state is providing \$33,000 through DHCD. Whatever the lowest bid price is, the \$33,000 is in the mix. Councilor Mathews responded that the application is for \$100,000 and the quote is \$95,000. This is the only quote now? He asked if this requires 30B. Capt. Comperchio responded that a second contractor has been solicited and they are awaiting the quote.

Council President O'Connor noted that the measure is a holdover from the prior administration. He asked if the \$30,000 from the state, if unused, will go back to the CPA fund? How does the funding mechanism work? Ted Langill responded that he doesn't have an answer. He will work with the Council to clarify. Mr. Flaherty is willing to work collaboratively with administration to spend the \$33,000 in an expeditious manner. It is unclear at this time.

Councilor Haugh noted that it was brought up at Budget/Management Committee at its meeting on January 19, 2016, and she was given the impression that the \$30,000 was to be used for the site prep work above and beyond the installation. She suggested the administration should pull the measure and resubmit as either a \$133,000 measure or explain how the \$33,000 will be reimbursed to the CPA. It leaves more questions than answers.

Councilor Harrington had asked the police to provide statistics on crime and breakdown of numbers and types of calls to the department. He asked for clarification. Capt. Comperchio reviewed the report and interpreted the data. Councilor Harrington wanted to know the cost benefit analysis and if it will be reduced by the installation of the cameras. Capt. Comperchio responded that he can't speculate or predict, but he could guess. It varies on the quality of the call how much time would be expended.

Councilor Lacey reported that he missed the last meeting. While he supports the strategy to protect the common areas, it sounds clunky from a process standpoint. He suggested they withdraw and require three bids for competitiveness from the list of state-approved bidders. One bid does not reflect a competitive approach.

Councilor Mathews noted that it should also clearly indicate where the \$33,000 from the state is in play.

Dawn Vozzella, Lakeview Manor resident, noted the amount of the money and funding from DHCD. She doesn't know what the total is. Is it enough to cover the common areas? The amount of cameras is a concern, as to who will be permitted to view the cameras. Certain persons will have to be trained to properly monitor. The department will also need to have funding for the training. The Housing Authority has already asked for over \$200,000 for four new units. This is where the funding should go. She urged the funding be used to create housing. Funding cameras will not solve the criminal activity that exists.

Councilor DiFazio cited case law supporting that one would not have a reasonable expectation of privacy of things plainly visible to the public. It's been established that WPD will not use this to monitor continuously, but that if a tape would assist in an investigation of a crime that was committed, it would be used to do so. Capt. Comperchio responded that the explanation is on pointe.

Councilor DiFazio asked if the contractor who was already solicited is on the state bid list? Capt. Comperchio responded that they aren't yet. Councilor DiFazio suggested they shouldn't even consider a vendor who is not on the state approved list and did the price tag require they obtain 3 bids under Ch. 30B?

President O'Connor agreed they should require competitive bids given the cost. He reiterated that the measure was submitted by the previous administration; he would like to see it follow the bidding process and the funding mechanism clearly outlined. The administration might want to consider potentially pulling and resubmitting.

Vice President Smart asked if the WPD would have ability to review activity and how often it will be monitored? Capt. Comperchio responded that they will have the ability to monitor in real-time, but the department has no intent to monitor on a daily basis. Access will be limited to the Housing Authority director and the police.

Robert Montgomery Thomas, 848 Washington Street urged again that language be incorporated in the lease language.

A Motion was made by Vice President Smart to Close the public hearing on item 15 140 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

16 009-Appointment to WETC Board of Directors-Christopher Castro

Nick Bulens requested on behalf of the administration that the appointment of Christopher Castro of 90 Sea Street to the WETC Board of Directors for a term to expire on June 30, 2018. The vacancy exists due to the resignation of Robert O'Connor.

A Motion was made by Vice President Smart to refer 16 009 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORT OF COMMITTEES

Budget/Management Committee- President O'Connor

Council President O'Connor reported that the Budget/Management Committee met earlier this evening to deliberate the following measures:

16 003- Appointment of Chief of Staff-Ted Langill

This item was referred to the committee on January 19, 2016. The committee met on February 1, 2016 and voted to forward to the full Town Council with a recommendation for favorable action. Mr. Langill was invited to the table to provide his background information.

On behalf of the Budget/Management Committee, a Motion was made by Vice President Smart to approve item 16 003; that the Town of Weymouth Appoint Ted Langill for appointment to position of Chief of Staff. Councilor Mathews seconded the motion. UNANIMOUSLY VOTED.

16 004-Appointment of Town Solicitor-Joseph Callanan

This item was referred to the committee on January 19, 2016. The committee met on February 1, 2016 and voted to forward to the full Town Council with a recommendation for favorable action. Atty. Callanan was invited to the table to provide his background information.

On behalf of the Budget/Management Committee, a Motion was made by Vice President Smart to approve item 16 003; that the Town of Weymouth Appoint Ted Langill for appointment to position of Chief of Staff. Councilor Mathews seconded the motion. UNANIMOUSLY VOTED.

16 005-General Reserve Fund Appropriation for Veterans' Benefits

This item was referred to the committee on January 19, 2015. The committee met on February 1, 2016 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a Motion was made by Vice President Smart to approve item 16 005; that the Town of Weymouth Raise and Appropriate the sum of \$75,000 from the General Fund Reserve for the purpose of funding the Veterans' Services Benefits Account and providing for the disbursement of public benefits through the remainder of FY16 in accordance with MGL Ch. 115.

Councilor Mathews seconded the motion. UNANIMOUSLY VOTED.

16 006-Police Department Line Item Transfer

This item was referred to the committee on January 19, 2016. The committee met on February 1, 2016 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a Motion was made by Vice President Smart to approve item 16 006; that the Town of Weymouth transfer the sum of \$450,000 from the following salary accounts to the following Overtime Accounts for the purpose of covering the Police Department's projected overtime expenses:

<u>Salary Account</u>	<u>Transfer Amount</u>
Uniform Patrol Salaries	\$345,000
Traffic Salaries	\$65,000
Investigations Salaries	\$40,000
Total	\$450,000
<u>Overtime Account</u>	<u>Transfer Amount</u>
Uniform Patrol Overtime	\$432,000
Uniform Patrol Overtime Training	\$10,000
Technical Support (Dispatchers) Overtime	\$8,000
Total	\$450,000

Councilor Mathews seconded the motion. UNANIMOUSLY VOTED.

NEW BUSINESS

16 007-Town Clerk-Call of Presidential Primary Election -action requested under 2-9(b)-same night action-Vice President Michael Smart

A Motion was made by Vice President Smart to consider item 16 007 under 2-9 (b) same night action and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

On behalf of the Town Clerk, Vice President Smart read the Call of the Presidential Primary Election:

“In the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of said Town, who are qualified to vote in the Presidential Primary Election to vote on Tuesday, March 1, 2016”

16 008-Review of Town Council Rules and Regulations 2016-2018 -Vice President Michael Smart

Vice President Smart reported that pursuant to town council rules the Council is required to periodically review the Council's Rules and Regulations.

A Motion was made by Vice President Smart to Refer item 16 008 to the Rules Committee and was seconded by Councilor Mathews. He will send an email to the committee members so a meeting schedule can be coordinated that adheres to the 120-day requirement. Councilor Mathews seconded the motion. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regularly meeting of the Town Council is scheduled for Tuesday, February 16, 2016 due to the Presidents' Day holiday.

At 8:46 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 as Recording Secretary.

Approved by Patrick O'Connor as Town Council President

Voted unanimously on 7 March 2016