

TOWN COUNCIL MEETING MINUTES
Town Council Meeting
Weymouth Town Hall Council Chambers
75 Middle Street
June 1, 2015, Monday

Present: Patrick O'Connor, President
Michael Smart, Councilor
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: Susan M. Kay, Mayor
George Lane, Town Solicitor
Kathy Deree, Town Clerk
William McKinney, Chief Financial Officer
Richard Swanson, Town Auditor

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, with all members present.

Councilor Hackett announced the grand reopening of Legion Memorial Field on Saturday, June 20, 2015 from 2-6 PM. There will be various sports, exhibitions, and an appearance by NE Patriot Malcolm Butler.

Councilor Conlon announced constituent office hours on Tuesday, June 2, 2015, from 10-11 AM in Council Chambers, and from 4-5 PM at the Fogg Library.

PUBLIC HEARINGS

15 072-CPC-Preservation of Weymouth Libraries' Historical Collections

A motion was made by Vice President Smart to open the public hearing on measure 15 072 and was seconded by Councilor Mathews. This was advertised on May 22, 2015. UNANIMOUSLY VOTED.

Rob McLean, Library Director, Maura Deedy, Reference Librarian and James Clarke, Director of Planning & Development, presented the request. Jim Clarke reported the request for \$31,000 was favorably voted at the last meeting of the Community Preservation Commission. Mr. McLean reported that the grant application follows several years' work. Ms. Deedy provided some background information. She noted there are 38 unique items from notable Weymouth people during the years 1811 – 1862; much of it related to the Abolitionist movement. It includes a poem by Maria Weston Chapman and more than 150 images. Approving the request ensures that the items are secure and will be accessible to researchers.

The following were the comments from the public:

Robert Montgomery Thomas, 848 Washington Street requested in addition that they seek funding for air conditioning at the Library. Councilor O'Connor requested he speak only to the topic.

A motion was made by Vice President Smart to close the public hearing on measure 15 072 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 006-Private Property Maintenance Ordinance Amendment to Chapter

President O'Connor reported that the public hearing for the above measure has been cancelled due to new significant anticipated changes to the original language, which will require the public hearing to be rescheduled.

15 031-Parking Fines Ordinance Amendment to Section 13-103(q)

A motion was made by Vice President Smart to open the public hearing on measure 15 031 and was seconded by Councilor Mathews. This was advertised on May 22, 2015. UNANIMOUSLY VOTED.

Capt. John Concannon was invited to the table to review the request. The department seeks to amend the ordinance to bring current parking fines (that haven't been adjusted in 7-8 years) prior to ordering new ticket books.

Traffic Sargent Fogarty reviewed the changes in detail.

The following comments were from the public:

Robert Montgomery Thomas, 848 Washington Street, reported that he submitted a proposed amendment to Section J, 103-parking for disabled drivers. Since they are increasing the fine for parking, this should be heard at the same time. The submittal was date stamped on January 26, 2015 but he did not hear back yet. He noted fines for this section of the ordinance should be enhanced; these spaces are set aside for a reason.

A motion was made by Vice President Smart to close the public hearing on measure 15 031 and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

15 076-Proposition 2 ½ Override- Continued from 5/18 & 5/26

A motion was made by Vice President Smart to continue the public hearing on measure 15 076 and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

Council President O'Connor reported that this is the third public hearing on the matter and the last two ran beyond 11 PM. In light of this, he asked that those who have already spoken wait until all new commenters have been heard. He also noted that the 5-minute rule would be enforced as necessary. All prior comments have been recorded for public record.

Councilor Hackett reported that the Mayor was asked to submit an override request. She did and heard from all departments as to how to spend it. The Mayor has publicly announced informational forums and office hours. Only the Mayor can propose a date specific and at the last meeting, she proposed June 30th. Councilor Hackett fully supported her efforts. In order to utilize the funds in the next year, they have to be raised and appropriated prior to setting a tax rate. There is a petition circulated for an August 4, 2015 special election. If the Mayor does not appear to propose it, she will ask to send her a letter requesting it be proposed.

Councilor Haugh concurred with Councilor Hackett and supported the June 30th date. It doesn't have to be this complicated. She reviewed what it will do for the town. The average household will pay \$284 per year. Last year she received 300 emails from parents asking for more funding for the schools. The override proposes \$6.5 million divided over departments. If the proposed date holds-- it allows six weeks to register, get educated and obtain a proxy ballot if needed. She suggested they pick a date they can all agree on.

Councilor McDonald noted that the June 30th date is not a problem. In England, they can call for a national election in eight weeks. The time has come to move forward and do what is right for the town.

Councilor Conlon noted the Council's job is to educate the public in all matters regarding taxes. He asked why they are hesitating. A mailing should be sent to all taxpayers, the issue should be in writing in order to let the people know.

The following were the comments from the public:

Kate McCully, 348 Summer Street, reported she is happy with the education of five of her children at Murphy School but she knows five families who have left Weymouth before their children reach middle school age. She is in favor of putting it on the ballot as soon as possible.

Tracy Nardone 139 Park Ave. West- supported the override and the August 4, 2015 date.

Kathleen Curran, 45 Babcock St. asked if the Council can set a date. Councilor Hackett responded that it would have to originate from the Mayor.

Councilor Molisse reported that this was discussed on May 4, 2015 during Budget/Management and they voted to bring forward to the full council.

Ms. Curran responded that this must have the support of the Mayor/ Mayoral candidates. That's how it will be passed. She has concerns with using Fire Department funding on bonding instead of staffing but she will support it regardless.

Councilor McDonald noted that a town election doesn't mean the Mayor has the right to call a special town election. Until the new members are sworn in, they are the Town Council. He has no problem with this Council doing what it deems right. If a special election is deemed necessary in August, they will do what is right as town elected officials. He suggested they don't turn it into an electoral process.

Don Stewart, 549 Essex Street was strongly opposed, as a senior citizen on a fixed income.

Denise McDonagh, 28 Belmont St. supported the override from a public safety perspective (She has a child with medical issues.)

Sean Guilfoyle, 1 Raycroft Street, and chair of the School Committee, supported the override and putting on the ballot quickly.

Irving Murstein, Broad St., citing the auditor's report, said the town does not need an override. He provided the Council with a handout including an excerpt from the Sithe Agreement. He suggested the town needs a finance commission with the Mayor in a ceremonial position.

Christine White, Summer St. supported the override.

Robert Montgomery Thomas, 848 Washington St. thanked Councilor Haugh for providing information as to where funds from the override would be used and asked for a copy of the information sheet. He had said before he could support if it were for only 1 or 2 years and if seniors would be exempted, but now will withdraw any support until the Council takes some action to address the OPEB issue.

Christa Dunn, 56 Holbrook Rd. at the Annual Town Meeting it was made clear how badly the departments are hurting. She urged support and a vote soon.

Neil Barhight, 31 Bay View St. and as a parent, supported the override.

Peter Dionne, 129 Academy Ave. and an elementary school principal, supported the override.

Dan Daley, 28 Fisk Ave. asked about the procedure to set an election date. Council President O'Connor responded that the Mayor needs to propose an amendment. He supported the override.

There was a brief discussion concerning the date of the election. There was a technical issue with the manner in which the measure was written and a clarification was suggested at the last Town Council meeting to address it with an amendment. Solicitor Lane confirmed. Councilor DiFazio asked him about the current language concerning a "town election", and whether an amendment is required. The Solicitor responded yes, that an amendment is required.

Councilor Conlon noted the Council did not vote the date of June 30, 2015 proposed by the Mayor at the last meeting.

Councilor Lacey clarified the action by Council. An override vote could not be held at the next town election, which is not possible. The wording states "next election" and the Mayor proposed a new date, but no new measure was presented. If the Council wants, they can ask the Mayor to propose an amendment to a "date certain."

Michael Gallagher reported that the measure, as presented, was with the actual language from the state. The second proposal was to clarify as to the date.

Dan Daley asked as it stands now, the election will be November 4? President O'Connor responded no; there needs to be a correction with a date certain put forward.

Wayne Mathews, 33 Whitman, asked if a September primary election is guaranteed to take place.

Gus Perez, 16 Hewett Rd. reported he spoke to the Secretary of State's office earlier and the election can be on the same date as the primary; the question just can't be on the same ballot. He also noted there is still a question for the Solicitor to rule on the language. Council President O'Connor responded that the town does not have the equipment to execute a double-duty vote. Solicitor Lane responded that they reviewed 2-103 of the Code of Ordinances and it is not mutually exclusive of all other possibilities.

There are provisions for special elections. He recommended the measure be referred back to the Mayor for a specific date to be set.

Peter Farrell, 91 Hill St. noted there is momentum gained and then lost. He supports putting this on the ballot and letting residents vote either way. It's less about the measure and more about the date. He asked those in the audience who were holding signed petitions to present them to the committee.

Michael Silva, 179 Ralph Talbot St. asked how the mistake can be addressed? He suggested it's someone responsibility. President O'Connor responded that there's a technical issue with the measure that will be addressed once the public hearing is closed. Councilor McDonald provided an explanation of the procedure.

Catherine Gaudiano, 582 Ralph Talbot St. supported the override and the August 4th date.

Tom Healy, 29 Heritage Ln. suggested that the Council be allowed to do their due diligence; it's more important to inform the public than when the date will be. He applauded the Council for modeling the discussion.

Russ Drysdale, 475 East St. feels that the issue is being overcomplicated and wonders what is precluding to voting it as written.

Robert Montgomery Thomas, noted there is nothing on the agenda regarding the date of a special election and suggested it could be in violation of the Open Meeting law. A supplemental budget could accommodate a November election. He suggested it's important to tell the public where the funds will be spent in years 2-5.

Solicitor Lane responded to several of the prior questions. The local governing authority in the statute is both the Mayor and Council. He also noted in terms of agenda items- the question as presented before the Council is whether to put a ballot before the voters and is not in violation; the date is for solely clarification purposes. There is some confusion on what can and can't be done surrounding elections. Solicitor Lane stated that we should aim for clarity to present a ballot question that's going to be heard. It is proper as set forth.

Don Stewart, 549 Essex St., is opposed to an override. He noted it sets a precedence and an easy way out.

Cathy Torrey, 14 Riverbank Rd., suggested after hearing some of the speakers that people need to trust the Council. She believes they will do the right thing for the community, she believes in the voters having the opportunity to allow them to make the choice.

Gus Perez, noted he has advocated five years for school funding and he supports the override, but the democratic process is more important. No Councilor will vote against putting it before the voters. His concerns are around the date, and if it's not done right, it will bring out opposition. Because Weymouth did not opt in to Ch. 53 18(b), the town is prohibited from sending out informational material concerning an override.

Councilor Haugh responded that she also spoke with someone from the Secretary of State's Office. They were unable to provide her with the number of cities and towns that adopted Chapter 53 18(b), but she and the Town Clerk could only find two. It states that a pro and con statement will be provided 7 days before an election. The towns that have passed overrides recently did so without sending out a mailing. People are overthinking the details. There are 60 days to inform the public if the August date holds and they do not need to spend the money mailing out a flyer. Solicitor Lane responded that at least ten municipalities have sought special legislation to authorize mass mailings, which are prohibited. If the town adopts Ch. 53 Section 18(b), it requires a separate measure.

Councilor Conlon suggested an August election will be poorly attended.

Peter Farrell noted his confidence that the word will get out.

Kathleen Babcock, suggested the best chance to this to pass is for the mayor to support and she does; it's not a bad thing to discuss during an election cycle.

Mary Ellen Devine, 11 Mulvey Ln. fully supports the override. She suggested they reach out further and that they need the time to educate the public.

Sean Guilfoyle, clarified the drop-out and graduation rates for Weymouth, as compared to other South Shore towns and the state average.

Council President O'Connor reported that he has called a Special Town Council meeting to address only this issue. The School Committee will present its budget the same evening at 5:30 PM.

A motion was made by Vice President Smart to continue the public hearing on item 15 076 to June 8, 2015 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

OLD BUSINESS

15 076-Proposition 2 ½ Override

A motion was made by Councilor Hackett to send a letter to the Mayor requesting she file an amendment to measure 15 076 to change the words "the next town election" to "for a town election to be held August 4, 2015." The motion was seconded by Vice President Smart.

Councilor Mathews noted while he wants to support the August 4, 2015 date, he believes there should be an informational mailing, and it's important to notify the total electorate; which should include dates to register or obtain an absentee ballot. The last special town election was held in May of 1999 to adopt the Charter and a mailing was done to every resident.

Councilor Lacey supported the motion but noted there is no measure or plan to submit one to adopt MGL 53. He also noted the timing of the vote could yield funding for the FY16 budget.

Councilor Harrington suggested they were confusing the magnitude with the complexity of the issue. Prop 2 ½ is not complicated; people will be informed. Those that don't get it don't want to and what we are doing is sufficient. As a senior on a fixed income, he has had the benefits, and now it is his turn to pay fair for his share.

Councilor Molisse supported the motion. It is time to move forward. No date will be right for everyone. It's not that complicated if you want to invest in your town.

Councilor McDonald supported the motion and suggests the date is unimportant. The public school system built this great country. We need to have good schools and solid public safety. It's a responsible measure with a responsible timeframe. Taxpayers have the responsibility to become informed.

Councilor Conlon will not be supporting the measure, it's not a simple issue. Funds geared to the Fire Department will not be enough to open Station 2. Putting additional firefighters on staff will not improve response times in the East Weymouth area.

Councilor Haugh supported the measure. She is looking forward to the possibility of a year with significant improvement. She also noted MGL Ch. 53 was not in place when the charter was voted. She believes the details in Ch. 53 are detrimental.

Councilor Hackett is supporting this because the Town Council asked the Mayor to submit a measure and the School Committee voted to endorse before knowing what would be spent by any department. That's the question for the voters. The Mayor has committed to public informational discussions and she trusts the public to understand. There is enough time to get the information out and it should be acted upon in conjunction with the budget.

Councilor DiFazio supported the measure and is enthusiastic with public response and with the Mayor moving forward with specificity on how funds will be spent. He prefers the November 4, 2015 ballot because voters will go out once. He is not an advocate of Ch. 53- there isn't going to be mailing so residents will be going to candidacy nights prior to the election. Due diligence calls for November 4th.

Vice President Smart supported the motion and the August 4th date. He feels that the only way to adopt MGL Ch. 53 is to get a measure from the Mayor. He supported a vote on August 4, 2015, because for the last several years, they have lobbied for additional funding and the need is now. He was shocked to hear the message from a School Committee member who would want to wait. It's not only about schools, but DPW, fire and public safety; everyone needs the money now. He reported that he appreciated the phone calls, petitions, etc. for the democratic process happening here. The Council will work through neighborhood groups.

A roll call vote was taken: Councilor Conlon- NO, Councilor DiFazio- NO, Councilor Hackett-YES , Councilor Harrington- YES, Councilor Haugh- YES, Councilor Lacey-YES, Councilor Mathews- NO, Councilor McDonald-YES , Councilor Molisse-YES, Vice President Smart- YES, President O’Connor-YES. Vote PASSED 8/3.

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

15 086-Pension and Benefits Line Item Transfer Part 2

Michael Gallagher, Director of Administrative Services, requested on behalf of the Mayor that the Town of Weymouth transfers the sum of \$50,000 from Health Insurance to Medicare Insurance for the purpose of funding the costs associated with an increase in the Medicare tax.

A motion was made by Vice President Smart to refer measure 15 086 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Environmental Committee-Chair Brian McDonald

Spectra Energy Atlantic Bridge Project-Proposed Gas Compressor

This matter was referred to the Environmental Committee on May, 2016. Councilor McDonald reported that the committee met on June 1, 2015. Councilor Haugh presented a review of the issue with Planning Director James Clarke and presented a Resolution for consideration by the Environmental Committee. Councilor McDonald submitted a memo to the Council, received from the Mayor and outlining points in opposition to the proposal for the siting of a compressor station in North Weymouth. Most importantly, the siting in a densely populated area is unlike any other in the country. He read a portion of her memo into the record:

“I want to state upfront that I am opposed to the proposal to site a new gas compressor station in North Weymouth. I do not believe that this is the right location to site a compressor station for two reasons. First, a compressor station creates environmental issues such as noise, odors and safety that should not be located in a densely populated are such as the Fore River Basin. Secondly, the North Weymouth neighborhood and Fore River Basin is

already the location of problematic industrial uses and the community does not need to deal with another such use. These uses include a power plant and an MWRA regional sewer pumping station in Weymouth, a power plant and hazardous waste facility and gasoline / oil depot in Braintree and a chemical plant and sewage pelletizing plant in Quincy... ”

Councilor McDonald reported her memo also includes issues regarding noise, pollution and safety and the location immediately adjacent to the Fore River Bridge and tidal issues brought about by Category 2 hurricanes and subsequent flooding. He also included a letter received from resident John S. McDonough to FERCC. He has done a lot of research.

He invited Councilor Haugh to present her proposed resolution that was amended and unanimously approved by the Environmental Committee. Councilor Haugh read it into the record:

“Whereas, the proposed gas compressor property overlooks Wessagusset, the oldest settlement in the Massachusetts Bay Colony, as known as the Thomas Weston Colony of 1622, and

Whereas, the municipalities of Weymouth and Quincy are communities of historic significance in the Commonwealth of Massachusetts, notably, as birthplaces of Abigail Smith Adams, John Adams and John Quincy Adams, and

Whereas, the proposed gas compressor property is next to the Fore River, a significant estuary in the Boston Harbor Watershed, which is formed by the confluence of the Monatiquot River and Smelt Brook in the Weymouth Landing area of Braintree, and

Whereas, the proposed gas compressor property borders both Quincy Point and the North Weymouth Business District, which are two distinct villages of geographic, economic and historical importance, and

Whereas, there are 964 households within a half mile radius of the proposed gas compressor station, significantly higher than the demographics of existing compressor stations, and

Whereas, there is no sufficient data to present the effects the daily operations of a gas compressor station has on such a densely populated area to include noise, smell and air quality, and

Whereas, should an emergency arise at the compressor station, Weymouth and Quincy first responders are not allowed to enter the property until representatives from Spectra Energy are present, and

Whereas, should an evacuation be ordered at the compressor station, Weymouth and Quincy would be responsible for tens of thousands of people needing to vacate the area, and

Whereas, any evacuation at the proposed gas compressor station will shut down Route 3A, a state highway that connects Weymouth to Quincy and transports more than 33,000 vehicles a day, and

Whereas, the Fore River Bridge, which sits adjacent to the proposed gas compressor station, is currently under construction at a contract cost of \$244 million and is currently scheduled to be completed in mid-2017, and

Whereas, the proposed gas compressor station region currently houses a gasoline/oil depot, a chemical plant, two power plants with transmission lines, a regional sewer pump station, a sewage pelletizing plant, a hazardous waste transfer and treatment facility, and smaller oil storage facilities/tanks, and

Whereas, The Environmental Protection Agency (EPA) uses the term “Overburdened Community” to describe low-income and minority communities that potentially experience disproportionate environmental harms and risks due to exposures of cumulative impacts or greater vulnerability in response to President Clinton signing his Environmental Justice executive order in 1993 to protect citizens from being overburdened with potential environmental hazards, and

Whereas, Quincy Point and Germantown in Quincy are recognized as Environmental Justice neighborhoods by the Massachusetts Executive Office of Energy and Environmental Affairs for having a high minority and/or low-income population, and

Whereas, the construction of a gas compressor station in Weymouth will not provide any permanent much needed jobs or economic stimulus to the region as the station is controlled remotely out of Houston, Texas, and

Whereas, the proposed gas compressor station will render abutting conservation land useless as the Town of Weymouth was awarded a conservation restriction to the 2.9 acre King's Cove parcel for public conservation and passive recreation through mitigation obligations under the Massachusetts Department of Environmental Protection Chapter 91 in 1991, and

Resolved, the Town Council of the Town of Weymouth urges the Federal Energy Regulatory Commission (FERC) to seek an alternate site for the proposed new gas compressor station under Spectra Energy/Algonquin Gas's Atlantic Bridge Project, Docket Number PF15-12-000 which is more rural and less densely populated as those gas compressor stations that are currently in existence.

Now, therefore, on June 1, 2015, the Town Council of Weymouth urges its state and federal delegation of elected officials to support an alternate site for the proposed new gas compressor station under Spectra Energy/Algonquin Gas's Atlantic Bridge Project, Docket Number PF15-12-000 as a matter of paramount concern to the citizens of Weymouth. ”

A motion was made by Vice President Smart that the Town of Weymouth ADOPT the Resolution, as amended, and was seconded by Councilor Mathews. Councilor McDonald cited from the information that resident Mr. McDonough provided that these facilities are typically located in less densely populated areas. One such facility is located in Artemis, PA (pop. 334). Artemis is located in Bedford County (pop. 50,000 and is a 1,000 square miles area. Oil-laced gases from an explosion at another such facility in Clearville, PA (pop. 2300) in 2009 affected an area a mile and a half downwind of the facility. He commended Councilor Haugh for her work. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regularly scheduled Town Council Meeting will be held on Monday, June 15, 2015 at 7:30 PM. At 10:14 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 Council President Patrick O'Connor
Voted unanimously on 24 August 2015