

TOWN COUNCIL MINUTES
Town Hall Council Chambers
September 18, 2017, 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: Ted Langill, Chief of Staff
Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Lee Hultin, Asst. Town Clerk
Richard Swanson, Town Auditor
Rob McLean, Library Director

Recording Secretary: Mary Barker

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

ANNOUNCEMENTS

Councilor Harrington announced the Great American Pumpkin Give-a-Way to be held on Saturday, October 14, 2017 at the new location, Weymouth High School from noon to 4PM.

Councilor Haugh announced that the Fore River Bridge is now fully operational in both directions. She and other public officials attended a ceremony commemorating the completion of construction. The 10K race has been postponed to next spring. A boat regatta is scheduled for September 23, 2017 and participants are invited to meet at the Town River Yacht Club in Quincy for a parade under the bridge. Refreshments will be available.

Councilor Haugh also announced that William P O'Donnell, Norfolk County Register of Deeds, will be in the Council Chambers on October 12, 2017 from 10AM to noon. Residents can come in and request information on deed matters such as the Massachusetts Homestead Act, or check on any other filing, and print out Registry recorded deeds on internet-ready computers. No appointment is necessary.

Vice President Smart announced a public meeting to be held on October 5, 2017 at 6:30PM at the WHS Humanities Center; MassDOT and Weymouth officials will outline the phasing of the Route 18 widening project.

Councilor Conlon announced a Housing Production Community workshop on October 11, 2017 at 7PM at WHS, second floor, presented by the Planning Department to discuss housing goals. Light refreshments will be served.

MINUTES

Town Council Meeting Minutes of September 5, 2017

A MOTION was made by Vice President Smart to approve the minutes of the September 5, 2017 Town Council meeting and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

PUBLIC HEARINGS

17 036-Waterways Ordinance Revision-Chapter 12-100-continued from June 5, 2017 and June 19, 2017

A MOTION was made by Vice President Smart to open the public hearing on measure 17 036 and was seconded by Councilor Mathews. This was originally published on 5/26, 2017. UNANIMOUSLY VOTED.

Councilor DiFazio reported that the matter was referred to the Ordinance Committee on May 1, 2017. The committee met on May 1 and May 17, 2017. A public hearing was held on June 5, continued to June 19 and again to September 18, 2017. The committee expects further comments and information to be forthcoming from the administration and seek at a continuation of the public hearing to October 16, 2017.

The following are comments from the public:

Tricia Pries, 15 Woodbine Road, noted in the present MA CMR Waterways Ordinance, a 100' buffer is required in a no-wake zone, if she is interpreting it correctly. How does the ordinance accommodate this on Whitman's Pond? There is a no-wake zone between the island and Woodbine Road. How will the proposed buffer zone impact the herring spawning grounds? President O'Connor recommended she submit her questions in writing and they will be researched before the final draft is issued.

Robert Montgomery Thomas, 848 Washington Street requested that notices of public hearing that are emailed include applicable measure as an attachment. President O'Connor responded that the suggestion is duly noted.

A MOTION was made by Vice President Smart to continue the public hearing on measure 17 036 to October 16, 2017 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

17 098-Borrowing Authorization for the Construction of a New Public Library

CFO Brian Connolly reported that the measure was amended to correct the reference; Chapter 44, Section 7(6) to Chapter 44, Section 7(1).

He requested on behalf of the Mayor, that the Town of Weymouth appropriate the sum of \$33,061,309.00 to pay costs associated with the demolition, landscaping, paving, utility and other site improvements incidental or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund temporary library operational space, storage and moving expenses, to fund furnishings and equipment and to fund the payment of all other costs incidental or related to the Weymouth Public Libraries Tufts Library building, and that to meet this appropriation, the Town Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) as amended of the General Laws, or pursuant to any other enabling authority, and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote, in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

A MOTION was made by Vice President Smart to refer measure 17 098, as amended, to the Budget/Management Committee and was seconded by Councilor Mathews.

Councilor Hackett asked if there are additional structures which have been established for community fundraising? Rob McLean, Library Director, responded that a 501C(3) library foundation will be formed to assist in efforts. This is outside of the Friends of the Weymouth Library to raise funds to make up some of the costs associated with the new library. UNANIMOUSLY VOTED.

17 099-Acceptance of G.L. Chapter 90 Section 18B-Designated Safety Zone

CFO Brian Connolly requested, on behalf of the Mayor, that the Town of Weymouth, through the Town Council and with the approval of the Mayor, move to accept the provisions of GL Chapter 90 §18B, which permits municipalities to, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, or with the approval of the

department, if the roadway is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.

A MOTION was made by Vice President Smart to refer measure 17 099 to the Ordinance Committee and was seconded by Councilor Mathews.

Councilor McDonald noted that this matter was brought forward earlier in the year by Wessagusset beach area residents because of newly reactivated recreation at the old beach. UNANIMOUSLY VOTED.

17 100-Nine Month Extension of Existing Ambulance Service Agreement With Fallon Emergency Medical Services

Solicitor Callanan requested, on behalf of the Mayor, that the Town of Weymouth, through the Town Council approve and authorize the Mayor to execute a nine-month extension of the term of the present agreement with Fallon Emergency Medical Services, Inc. to provide ambulance services within the town.

A MOTION was made by Councilor Hackett to consider measure 17 100 under 2-9 b Same Night Action and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

Councilor Lacey asked why this is before the Council when they haven't taken such action on previous contracts executed by the administration. Solicitor Callanan responded that under MGL, Chapter 30(b), §12, contracted procurement services in excess of three years require majority vote by the Council. The existing ambulance contract is longer than three years. The office of the Inspector General has interpreted it as not only contracts of more than three years, but also extensions and options to be covered under this statute. He noted that the contract is being extended after the October date, and a Council vote is needed in order to do this in the competitive bidding process. The RFP's went out the end of August and are due October 15th. An award will be within thirty days, but the award of contract will be different than prior ambulance contracts because bidders will be expected to provide the amount they will reimburse the town for services currently provided by existing town fire department employees.

The contract will produce revenue for the first time. This will factor in the FY19 budget. The contract is also structured to contain an extension to the implementation time, and the new contract is expected to take effect on January 1, 2018. The legal department noticed that previous contracts (under prior administrations) were executed without Council action, and the opinions of the Chief Procurement officer, the town paralegal and the solicitor are that any procurement contracts in excess of three years needs Council approval.

Councilor Lacey rebutted that the previous administration executed a ten-year trash contract without benefit of Council action. He is unclear whether this was identified as something that should have been brought before Council. Solicitor Callanan notes that MGL has some criteria on which types of contracted services this includes. He further

states that he has identified other contracts that did not seek Council approval – the cell tower contract at Wharf Street was one such example. He has notified AT&T that the town will be going out to bid. They are currently going through the process of reviewing contracts.

President O'Connor reported that his biggest concern is that under Chapter 30(b), Section 1 it clearly states in Section (a) that "this chapter shall apply to every contract for the procurement of supplies, services, or real property" and Section (b) states "this section shall not apply to... Subsection (24) contract for ambulance service." His interpretation is that Section 12 would not be applicable because it does not apply to an ambulance contract. This is out of the norm for the Council and there is also the Charter concern. Weymouth has a strong Mayoral form of government and in which the Mayor enters into contracts. For the Council to codify a contract would make it a controversial contract in his opinion. The original contract and the extension were entered into without Council action. While he appreciates it being brought before them, he believes it is a core function of the administration and MGL clearly states that Ch. 30B does not apply to ambulance contracts. If that is the case, then section 12 of 30B does not apply. The Council values what it does, but this is one of the core functions of the Mayor. While the process of obtaining competitive bids, potential revenue and municipal-based ambulance service, is a good thing, his opinion is that the extension of contracts is not a function within the purview of the Town Council.

Solicitor Callanan responded that Deputy Tax Collector contracts are also exempt under Ch. 30(b), however the town just went out on RFP to renew that contract. The Mayor believes that even if exempted from state law, a process that encourages the fair and open competition in the free market, instead of negotiating with private vendors and contractors, is of benefit to the town; in order that it allows for a fair, open and transparent process. They follow 30(b) as best they can; the argument that although this service is exempt from the provision of 30(b) Section 12, the term of the contract is the argument. He has not seen any rulings that support or to the contrary.

President O'Connor responded that MGL chapter excludes ambulance contracts. The extension of the Deputy Tax Collector contract was not brought before the Council. Solicitor Callanan responded that wasn't because it was only a three-year award and it was not necessary. In the same manner, award of the ambulance contract will not be brought before Council. President O'Connor responded that it is a core administrative function and a presentation could provide the transparency without asking for the Council to vote to codify a contract.

Councilor Hackett agreed; she is not comfortable with the Council inserted into a process that they have never been involved in (and with an October 30th deadline) without understanding the history of the contract, the current or future status of the contract. The Council hasn't dealt with this before and is not required to deal with it in this circumstance and she would prefer not to. President O'Connor noted that there is a list of components; no member of the Council was involved in the negotiations of the contract. This further reinforces that this is not a function of the Town Council.

A MOTION was made by Vice President Smart to take NO ACTION on measure 17 100 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

NEW BUSINESS

Review of Public Safety Strategies at Union Point-Councilor Thomas J. Lacey

Councilor Lacey reported that he has had conversations with the administration and LStar in the past for plans for public safety at Union Point. He would like to engage with the District Councilor, Vice President Smart and the administration for short and long term strategies responding to public safety matters, in light of recent events, including the fire last week.

A MOTION was made by Vice President Smart to refer the item to the Public Safety Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, October 2, 2017. At 8:03 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.

ATTACHMENTS:

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Patrick O'Connor as President of the Town Council
Voted unanimously on 2 October 2017