

TOWN COUNCIL MEETING MINUTES
Town Hall Council Chambers
December 1, 2014, Monday

Present: Patrick O'Connor, President
Michael Smart, Councilor
Kenneth DiFazio, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Thomas J.Lacey, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor

Not Present: Robert Conlon, Councilor
Jane Hackett, Councilor
George Lane, Town Solicitor

Also Present: Kathy Deree, Town Clerk
Richard Swanson, Town Auditor
William McKinney, Chief Financial Officer
Michael Gallagher, Director

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 two members absent. President O'Connor reported that he heard from Councilors Conlon and Hackett that they would be absent.

ANNOUNCEMENTS

Councilor Harrington announced a meeting of the Economic Development Committee on Thursday, December 4, 2014, 7 PM, at the Abigail Adams Auditorium to review a redevelopment plan proposed for the Delegas property in Weymouth Landing.

Councilor Haugh announced several family library events planned for the December, including a sing-along, book signing by a local children's author (Michael Lewis) a reading of The Polar Express and New Year's Eve activities. The events are highlighted on the library's web page.

Councilor Molisse announced the annual tree lighting and holiday activities are planned for Sunday, December 7, 2014 from 5-7PM outside of the Town Hall.

MINUTES

Special Town Council Meeting Minutes of July 14, 2014

A motion was made by Vice President Smart to approve the minutes from the Special Town Council Meeting of July 14, 2014 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of November 10, 2014

A motion was made by Vice President Smart to approve the minutes from the Town Council Meeting of November 10, 2014. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Council President O'Connor noted he would enforce the 5-minute rule for speakers. Councilor Harrington suggested that in light of vulgarities during resident comment at prior meetings, the President maintain a sense of decorum as necessary.

Hiring Process for Director of Recreation- Linda MacDonald, 58 Laurel Street

Ms. MacDonald urged transparency in the replacement process for the position of Director of Recreation. Her comments are attached. President O'Connor reported the Council will take her comments under advisement.

Board of Health Regulation #33 "Bodyworks Regulation" –Robert Montgomery Thomas, 848 Washington Street

Mr. Montgomery Thomas presented a signed citizen petition to the Council. He reviewed the proposed regulation that is set to take effect January 1st with no input from the public. He noted there was no comment from the public, and the public was not notified of a public hearing. He suggested the regulation constitutes an ordinance and not a regulation and should be treated as such under the Charter regulations. He will also provide a draft of the regulation he proposes to the Council office.

PUBLIC HEARINGS

14 106-National Grid Joint Pole Petition-Rockway Avenue

A motion was made by Vice President Smart to open the public hearing on measure 14 106-National Grid Joint Pole Petition-Rockway Avenue and was seconded by Councilor Mathews. Abutters were notified on November 24, 2014. UNANIMOUSLY VOTED.

Fabio Santos of National Grid reviewed the proposal to install a new pole for an apartment building on Rockway Avenue. He reviewed the specifications for Council Vice President Smart who asked that the plan adhere to ordinance requirements. Council President O'Connor noted he received an email from a resident noting the shape of the road. He asked that they reach out to the property manager at Corcoran to address it. Councilor Mathews provided a copy of the DPW Engineer's comments to Mr. Santos to address his remarks. A brief discussion took place of the process by which town department comments are referred back to the proponent.

Councilor DiFazio noted that nothing identifies in the packet he received where the pole will be located. He asked for this detail in the future. Council President O'Connor noted there should be better communication and resolution between proponents and utilities prior to coming before Council for a public hearing.

Comments from the public were as follows:

Robert Montgomery Thomas of 848 Washington Street suggested that the council adopt a procedure that has to be followed when a utility presents a plan.

A motion was made by Vice President Smart to close the public hearing on measure 14 106-National Grid Joint Pole Petition-Rockway Avenue and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A motion was made by Vice President Smart to take Same Night Action under 2-9b on measure 14 106-National Grid Joint Pole Petition-Rockway Avenue and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A motion was made by Vice President Smart to Approve measure 14 106-National Grid Joint Pole Petition-Rockway Avenue and was seconded by Councilor Mathews. Vice President Smart addressed Mr. Montgomery Thomas' comments and responded that the Council and departments have guidelines; they weren't followed correctly this time. He urged that Project Managers check in and that any issues get resolved before the public hearing is held. UNANIMOUSLY VOTED.

14 112-Fiscal Year 2015 Tax Classification

A motion was made by Vice President Smart to open the public hearing on measure 14 112-Fiscal Year 2015 Tax Classification and was seconded by Councilor Mathews. It was noted that the measure was published on 11/21. UNANIMOUSLY VOTED.

Paul Haley and Kevin Spellman (BOA) were invited to the table. Mr. Haley also introduced other board members and staff who were present. He noted the town is seeing an increase in values; more in residential than commercial or condo. This was a revaluation year and the process is complete. All properties were valued and DOR has certified. The values were posted and notified by publishing in October. The DOR has certified the town and new growth of 11.5% over the last year. Before tax bills can go out, the town must determine how the tax burden will be borne. The Board recommends a 55% shift which is consistent with last year. Council President O'Connor noted the measure was reviewed at length in the Budget/Management meeting earlier in the evening.

The following comments were from the public:

Chris Primiano, 84 Rindge Street, asked how the town is encouraging commercial development when it is unfairly placing the burden of the shift on commercial property.

Robert Montgomery Thomas of 848 Washington Street, agreed that the proposed shift is not an enticement to bring in commercial development. He noted that it is not

pragmatic, and in order to help residents, it must be pragmatic. The typical residential homeowner has children that impact the schools while commercial does not. It is an unfair burden.

David Robinson, 57 Commercial Street, and member of the Weymouth Chamber of Commerce, reported he is not in favor; that this is unfair to commercial owners. Increasing the shift on the business community will have a negative effect on the commercial development of the town. It discourages commercial property development when a mile away in Rockland, the developer can get a uniform rate. Towns without a shift is where development will take place. The Mayor indicated the town needs commercial development, but the proposal is contrary to that theory.

Peter Foreman, South Shore Chamber of Commerce, noted it's regionally important to have more commercial growth. Business is experiencing declining revenues because they are being squeezed. He noted it is a potential problem while most area towns have a uniform rate.

Mr. Haley reported that Braintree voted a 75% shift last week. He noted the board took all of this into consideration when reviewing. Residential owners will see an increase. Commercial rate is only going up 4%. They are trying to stay consistent with what Council voted last year.

George Berg, 74 Summer St, and local business owner, asked the Council to keep in mind that they are in competition with neighbors. The town can't consistently have a duel between residents and commercial business owners.

Robert Montgomery Thomas noted that Braintree's rate increased but it has 60% commercial. Past experience in Weymouth indicates that the rate on houses has dropped, but land has increased in value. The town can't make the tax base unattractive to development. It needs to develop more mixed use.

Councilor Mathews asked for a list of residential and commercial rates for surrounding communities, and values for shifts of 51, 52, 53, and 54% shifts.

Council President O'Connor reported that the Budget/Management Committee voted to forward this measure to the full Town Council with a recommendation for favorable action.

Councilor Haugh said she isn't sure the residents realize that all taxes are increasing. She wonders if it is worth the burden on commercial property. Property owners will realize savings by switching from commercial to residential building. She likes the suggestion that other shifts be reviewed. While she appreciates the work, she is uncomfortable with supporting the recommendation.

Linda MacDonald, 58 Laurel Street, appreciated the comments from the Chamber of Commerce. Every year they sit through the same exercise, and more store fronts continue to sit empty. The town needs to attract business that will in turn bring in more residents.

A motion was made by Vice President Smart to close the public hearing on measure 14 112-Fiscal Year 2015 Tax Classification, and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Mr. Haley reported that the Board can bring back other shift scenarios, but noted that the tax bills have to be out by the end of the month. Councilor Lacey asked for ultimate timeline deadlines. Mr. Haley reviewed the process with Principal Assessor Pamela Pantermoller. CFO McKinney noted any delay in voting by the Council will not allow the administration enough time to complete the tax bill process guidelines that have to be met.

OLD BUSINESS

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

14 113-Free Cash-School Department

Chief Financial Officer McKinney, requested on behalf of the Mayor, that the sum of \$300,000 be raised and appropriated from free cash for the purpose of funding the costs associated with school department operations during fiscal year 2015.

A motion was made by Vice President Smart to refer measure 14 113-Free Cash-School Department to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 114-Free Cash-OPEB Liability Trust Fund

Chief Financial Officer McKinney requested, on behalf of the Mayor, that the sum of \$700,000 be raised and appropriated from free cash for the purpose of funding the OPEB Trust fund.

A motion was made by Vice President Smart to refer measure 14 114-Free Cash-OPEB Liability Trust Fund, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 115-Free Cash-Police Department

Chief Financial Officer McKinney requested, on behalf of the Mayor, that the sum of \$960,000 be raised and appropriated from free cash for the purpose of funding the costs associated with police department operations in fiscal year 2015.

A motion was made by Vice President Smart to refer measure 14 115-Free Cash-Police Department to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Councilor DiFazio requested that the school department provide a list of where they intend to spend the funding as backup for the Budget/Management meeting.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Michael Molisse reported that the Budget/Management Committee met earlier in the evening and reviewed the following items:

14 105-General Government Supplemental FY15 Budget Appropriation

Councilor Molisse reported that this measure was referred to the Budget/Management Committee on October 20, 2014. The Committee met on November 17, 2014 and again on December 1, 2014. The Mayor submitted a memo dated December 1, 2014 to the Town Council requesting a withdrawal of the measure and it was accepted by the committee. Councilor Molisse reported therefore that no action was taken.

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

This matter was referred to the Committee on November 10, 2014. The Committee met on November 17, 2014 and voted to table until after the public hearing and input from the School Committee. The school committee provided no input on this matter.

The Committee met again on December 1, 2014 and voted to forward to the full Town Council with a recommendation for favorable action; therefore on behalf of the Budget/Management Committee, a motion was made by Councilor Molisse that the town of Weymouth is authorized to include retired teachers health care costs in determining net school spending-- that the Town of Weymouth accepts the four-year phase in toward inclusion of retiree health care insurance costs in determining net school spending compliance commencing in fiscal year 2016 as specified in Section 2-60 of Chapter 165 of the Acts of 2014 for the Weymouth School District and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

14 112-Fiscal Year 2015 Tax Classification

This matter was referred to the Committee on November 17, 2014. The Committee met on December 1, 2014 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on December 1, 2014.

President O'Connor invited the Board of Assessors back. He questioned whether the proposed shift amount was good for the town as a whole. Comments from the public have backed it up.

Councilor Mathews asked if the Board provided figures yet for differing shift ranges. Mr. Haley responded that he wouldn't have the figures until the next day. Councilor Mathews responded that he would like to have a better-balanced shift that wouldn't burden either

residential or commercial too much; he would rather see a 52 or 53% shift. Mr. Haley again noted the time constraints with delaying consideration.

Councilor DiFazio noted he has not seen many residents clamoring not to pay an extra \$60 increase and suggested they would protest it. He understands everyone wants a break but is not sure the burden is that adverse to the business community. It's difficult to change what is already recommended. He also asked where the reports are indicating that businesses don't want to locate in Weymouth?

Council Vice President Smart noted the business owner can pass the cost along to the residents (in a consumer-based business), so residents are in effect paying some of the cost. Mr. Haley responded that the Board could adjust the shift slightly but he urged the Council not to delay a decision.

Councilor Lacey thanked the board for their work. He noted they are responding to the public comments. Mr. Haley noted that the Board was charged with determining market value as of a certain date and to bring that information forward with a recommendation based on what is consistent.

Councilor Harrington noted he is not in favor of the shift. He would like to hear more about reducing or abolishing the shift.

Councilor Smart asked the board to review the shifts over the last several years.

Councilor Haugh noted Weymouth has the lowest average tax on a home. The town cannot sustain the lowest average tax bill and the perception down the road as to how the town treats business community needs to change.

Councilor Harrington read a prepared statement:

"The proposed tax rate is insufficient to begin to restore the 30-40% of fire and police personnel lost over the last 30 years. This proposed increase is insufficient to maintain our streets and playing fields at a rate in excess of their annual wear and tear. This proposed amount is insufficient to make a significant payment towards our OPEB obligation, putting our ability to meet our obligations to provide post-employment benefits to retirees in jeopardy. We cannot pay this just debt. We won't be able to honor our obligations to our retirees. Our bond rating will suffer.

Most importantly, the children of our town won't get the best possible education. By having the lowest tax rates and lowest average annual tax payments, we deprive them of the ability to learn and compete in this harsh world of ours.

We do the best that we can with what resources we have. It is remarkable that the departments do as well as they do under the circumstances.

It is said that there is a direct correlation between the quality of education that a town

offers and property values. When we don't seek to raise taxes to realistic levels we are being penny wise and pound foolish. Would you spend an extra \$600 a year to make your home worth \$30 - \$40 thousand dollars more than it is? Don't we want the highest possible property values when we need the money in our golden years so that we can get larger reverse mortgages, pay for medical care or leave a bit more to our children when we pass?

My colleagues and I struggle every year to run this town on a bare bones budget. It is almost an impossible job. It is time to enter into a healthy conversation regarding raising revenues to realistic levels. We desperately need more revenues. We must research and discuss every option including a proposition 2½ override and any other revenue raising and cost cutting options available to the Town.

I am requesting that the Mayor and Town Council work together to research and determine the exact amounts of funds necessary to turn our town's finances around, to make us whole and solvent, to fix our streets and playing fields, restore our Fire and Police to appropriate levels, to find funds to honor our commitments to our retirees and, most importantly of all, to give our children and our grandchildren the kind of education that will prepare them to compete and prevail in this global economy.

I also request that our Town Solicitor research the proposition laws very closely and present this information to this Council and the Administration. Town officials are limited by statute in what we can and cannot do regarding overrides, and we must abide by all relevant State Laws.

I believe that we must face these difficult issues head on. We cannot ignore this. It won't go away. It won't fix itself. WE have to discuss this and bring this information to the public. A 2 ½ override is not something that this Council or the Mayor approves. It is not something that we can organize in this forum. In our roles as Councilors we cannot recommend or speak against an override in the forum of the Council chambers or at any recognized official town related hearing or meeting.

An override is an action of the people, of the electorate. If it is to occur, it will be done by persons interested in increasing Police, Fire and DPW staffing and services. It will happen when interested school parents and sports parents get together and make it happen. It will happen when homeowners get tired of low property values and decide that investing in town services and education is inherently the right thing to do, and because it should increase their property values.

This action cannot happen unless the citizens of this town make it happen. Get it together people-- your Town and your kids' future is at stake."

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 112-Fiscal Year 2015 Tax Classification; that the town of Weymouth adopt a tax classification shift of 1.55 for commercial industrial and with no residential exemption and was seconded by Vice President Smart.

A substitute motion was made by Councilor Mathews; that the town of Weymouth adopt a tax classification shift of 1.53% and was seconded by Councilor Haugh.

Councilor Harrington noted it is a good compromise.

Council President O'Connor was not sure without seeing the actual numbers. While he agreed with the comments by the business community, he did not think this would make a huge difference. He appreciated the work by the board and noted they are up against a deadline. The Council needs more leeway in the future to have the time they need to review the measure. This change is not going to make the impact they would like to see. He will not support the substitute motion.

Councilor DiFazio also will not support the substitute motion; he is uncomfortable imposing a unilateral tax increase to a homeowner without a direct benefit demonstrated to the committee.

Councilor Molisse also will not support; the Board provided a good presentation with their recommendation. He sympathizes with the business community but they need to address more incentive to bringing in commercial development.

A roll call vote was taken on the substitute motion: Councilor DiFazio-No, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Lacey-No, Councilor Mathews-Yes, Councilor McDonald-No, Councilor Molisse-No, Vice President Smart-No, President O'Connor-No. The substitute motion FAILED by a vote of 6-3 and reverted to the original motion; that the town of Weymouth adopt a tax classification shift of 1.55 for commercial industrial and with no residential exemption, Vote PASSED 8/1 (Councilor Harrington-No).

ADJOURNMENT

The next regular meeting of the Town Council is scheduled for December 15, 2014. At 9:15 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 as Recording Secretary

Approved by Town Council President Patrick O'Connor
Voted unanimously on 5 January 2015

Attachments:

Linda MacDonald, 58 Laurel St. – comments
Robert Montgomery Thomas, 848 Washington Street
-comments re: BOH Reg #33
-BOH Reg. #33