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## **TOWN COUNCIL MEETING MINUTES**

**Town Hall Council Chambers**

**December 15, 2014, Monday**

**Present:** Patrick O'Connor, President  
Michael Smart, Vice President  
Robert Conlon, Councilor  
Kenneth DiFazio, Councilor  
Jane Hackett, Councilor  
Rebecca Haugh, Councilor  
Arthur Mathews, Councilor  
Brian McDonald, Councilor  
Michael Molisse, Councilor

**Not Present:** Ed Harrington, Councilor  
Thomas J. Lacey, Councilor

**Also Present:** Kathy Deree Town Clerk  
Richard Swanson, Town Auditor  
William McKinney, Chief Financial Officer  
Michael Gallagher, Director of Administration  
Richard Grimes, Chief, WPD  
Capt. Joseph Comperchio, WPD  
Dr. Kenneth Salim, Superintendent of Schools

**Recording Secretary:** Mary Barker

President O'Connor called the Town Council 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 he spoke with Councilors Harrington and Lacey who were absent due to prior family commitments.

### **MINUTES**

#### **Budget/Management Committee Meeting November 17, 2014, 2014**

A motion was made by Vice President Smart to approve the minutes from the Budget/Management Committee Meeting of November 17, 2014 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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### **Town Council Meeting Minutes of November 17, 2014**

A motion was made by Vice President Smart to approve the minutes from the Town Council Meeting of November 17, 2014. UNANIMOUSLY VOTED.

Robert Montgomery Thomas of 848 Washington Street, requested that the Council address a question of procedure for a resident to submit an ordinance to the Town Council and noted it should have been referred to the Ordinance Committee. President O'Connor noted the ordinance proposal in question was submitted at the previous Council meeting and the proposal submitted is under review by the Town Solicitor; he ruled Mr. Montgomery Thomas' further comments out of order.

### **PUBLIC HEARINGS**

#### **14 113-Free Cash-School Department**

A motion was made by Vice President Smart to open the public hearing on measure 14 113-Free Cash-School Department and was seconded by Councilor Mathews. This was published on December 5, 2014. UNANIMOUSLY VOTED.

Chief Financial Officer McKinney presented the measure requesting \$300,000 from free cash to the School Department. During the budget process, school funding was reduced and the Mayor announced her plan to transfer \$250,000 once free cash was certified, plus another \$50,000 from Southfield funds (in excess of \$200,000). President O'Connor reported that the measure was deliberated at length with all parties at the Budget/Management meeting. Councilor Mathews noted the \$400,000 supplemental budget request was withdrawn. He asked if there was any additional discussion with the Mayor regarding additional funding for the schools. Mr. McKinney responded not yet.

Councilor Hackett asked to hear from the school administration. Superintendent Salim noted that the budget was shorted by \$850,000. With this measure the department still has a shortfall of \$500,000 and with a combination of reductions and deferrals for utility/supply/extraordinary maintenance and out-of-district transportation. The school department is still short by \$170,000. CFO McKinney noted that the contract terms with Southfield will be amended after January 1<sup>st</sup> so that Southfield will pay for services that are now being paid directly.

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President O'Connor called a recess. The meeting was briefly interrupted while the building was vacated for a fire alarm, and the meeting resumed at 7:55PM.

Councilor Smart noted that the Council forwarded a letter to the Mayor in June on original measure 14 063- when it unanimously denied funding the OPEB liability and requested it be instead diverted to the School Department. Councilor Conlon asked if the requested OPEB funding should go to the schools instead of funding OPEB. Councilor Smart responded it can be discussed when the measure comes up for deliberation.

The following were the comments from the public:

**Gus Perez, 16 Hewitt Road**, echoed the comments by the Council but reminded them that the budget was short funded. With the free cash appropriation and savings, the shortfall is still \$170,000 but the full \$500,000 should be provided and can be used for one time needs. He reminded the Council where Weymouth stands in net school spending . He urged another measure for \$500,000 to make up the true shortfall in order to reach level service.

**Robert Montgomery Thomas, 848 Washington Street**, noted that the Southfield Redevelopment Authority has not paid the \$400,000 in taxes from Southfield that is owed. He asked when and if those funds are received will they be used to replenish free cash and then applied to the town's other unfunded liabilities. President O'Connor responded that the next public hearing will address the OPEB issue. CFO McKinney responded that \$400,000 is budgeted in this year from Southfield. Anything additional will fall to free cash next year.

**Chris Primiano, 32 Rindge Street** favors the measure. He noted that while it helps, it still is short of level service. He asked the superintendent how much it is short from the needs budget, not including salaries. Superintendent Salim responded that it is \$200,000 for non-personnel needs. Mr. Primiano responded that they could start chipping away at it now.

**Andrea Honore, 61 House Rock Road** supported funding the \$300,000 to this measure and urged the Council not support the next measure since the \$700,000 could be better used in other town departments.

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**Julie Holmes, 876 Middle Street** noted that the state of schools in Weymouth is deplorable and the results of the DESE report attest this.

**Valerie Giannandrea, 61 Essex Heights Drive** expressed her concern with state of the schools and urged more funding to schools. The town needs to meet the average funding to the schools; not just the minimum and the town deserves better.

**Carrie Palazzo, 16 Keating Circle** urged her support of the measure. The \$300,000 should go to the schools. Education is the most important thing the town can offer. Massachusetts is supposed to be the state to follow in education.

**Pam Oliver, 53 Greenvale Avenue** supported funding schools with this measure and any extra funding that becomes available as well.

**Gus Perez, 16 Hewitt Road**, noted that this is a rare opportunity to hear about the needs of the schools. He urged everyone to read the DESE study. He also noted the presentation by Laura Stevenson regarding the state of the technology department and the needs list that could be addressed with one-time funding.

**Robert Montgomery Thomas, 848 Washington Street**, noted that the School Department should get as much money as it needs and so should the public safety and other departments. He is in favor of the measure. Part of the problem is that the Council has voted to shift the tax burden and put the onus on the businesses to pay the majority of the taxes. What the town needs is to bring in more business and not discourage it.

Dr. Salim spoke to the technology needs outlined in the DESE report. They need to fund support for the teachers in the use of technology. The scope of oversight is with a staff of three people. He offered to share the review and summary with the Council.

Councilor Hackett asked what the drivers are for the free cash in the current year. It is much larger than it was expected to be. CFO McKinney reported that a change in procedure in "premium from issuance" is the largest driver that changed in the current budget. Aggressive back tax collections and departmental turn-backs, Host Community payments, and more excise tax realized than was anticipated, are also significant contributors. Councilor

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Hackett suggested a better accounting for free cash is needed in the next budgetary process. CFO McKinney responded that they are all one-time funds; and that's how free cash becomes certified and DOR recommends it be spent on one-time purchases.

Councilor DiFazio noted he would like to know how the remainder of free cash will be allocated before making a decision. CFO McKinney responded that some funds will be held for winter expenses, and they will try to wait until after the winter to decide how to expend the remainder.

Council President O'Connor asked the administration to put together an accounting for the free cash calculation; how it increased from \$1 to \$4 million and he asked for an explanation of any unexpected or planned items that the Mayor may be looking to fund from free cash.

**Chris Primiano, 32 Rindge Street** noted that having a roadmap of spending is lacking and the Council will not know the full picture without it. He suggested they are doing a disservice to the town by not looking at the whole picture.

**Gus Perez, 16 Hewitt Road**, noted that snow expenses can be carried over by statute. There are plenty of one-time items, but if there is \$3M remaining and if it is not spent by June 30<sup>th</sup>, it will have to fall to next year's free cash.

Councilor McDonald asked the superintendent how Weymouth compares with administration staffing levels- is the department top-heavy? Dr. Salim responded that the state average student to administrator ratio is 108:1 while in Weymouth it is 174:1.

Councilor Conlon noted that the other cities and towns that share bottom of the list standing with Weymouth don't have the same public safety issues. Weymouth has more crime; he noted that when a town doesn't have a public safety issue, it has the ability to fund its schools. It is not a realistic figure and they can't be proactive when undermanned.

President O'Connor thanked everyone. He is a proponent of funding the schools and noted that funding education and public safety is a step forward.

Councilor Haugh asked if the \$250,000 recurring cost for SPED out-of-district costs will be incorporated back into the budget. CFO McKinney

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responded that the revenue isn't sufficient to fund it at this time. They can't count on the state and they can't raise taxes beyond the levy limit plus new growth.

A motion was made by Vice President Smart to close the public hearing on measure 14 113-Free Cash-School Department and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**14 114- Free Cash-OPEB Liability Trust Fund**

A motion was made by Vice President Smart to open the public hearing on measurr 14 114- Free Cash-OPEB Liability Trust Fund and was seconded by Councilor Mathews. This was published on December 5, 2014. UNANIMOUSLY VOTED.

Mr. McKinney presented the measure, which seeks to transfer \$700,000 towards funding the OPEB Trust Fund. President O'Connor reported that it is the intent of the Council to continue the public hearing until after the actuarial study has been presented on January 5th.

Councilor Mathews noted back in the spring when the administration submitted a measure, it was in the amount of \$300,000. Why has it increased? CFO McKinney responded that it is a combined total of the \$300,000 from last year and an additional \$400,000 for this year. Mr. McKinney noted that \$2.2 million has been put in it over the last several years, and the current liability is \$224 million. Councilor Mathews suggested (in his opinion) that the last two measures should be reversed- we should be giving \$700,000 to schools and \$300,000 to OPEB.

Council Vice President Smart noted the contribution was bumped up because the earlier measure was not funded, so there was no contribution this year. Last year's contribution was \$500,000 from the unexpended health insurance balance.

Councilor Hackett asked if the administration has given any consideration to establishing a budget line item each year. CFO McKinney responded that the health insurance costs are fluid so a set amount can't be budgeted. It is budgeted at the beginning of the year based upon the number of participants, and it changes during the year. If it is budgeted, it takes money away from other departments.

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The following were the comments from the public:

**Gus Perez, 16 Hewitt Road**, thanked the Council for continuing this public hearing until the actuarial study is presented so the public will have an opportunity to comment. He asked about the "pay as you go" vs. the annual recommended contribution (ARC) on a thirty-year plan. Mr. McKinney reviewed the difference noting that they do not know at what point the amount needed will exceed the budget, but it is already affecting what the town is able to spend on other things. Health insurance costs are squeezing out other services. Mr. Perez noted that if the liability won't be solved, what is the point of throwing \$700,000 at it? It doesn't make a dent and it's financially and fiscally impossible for Weymouth to be able to meet the obligation. It is a federal and state infrastructure problem. Over 99% of the liability is currently unfunded and there is no regulatory, legal or legislative requirement that the town funds it. CFO McKinney noted that there are towns that are fully funding their OPEB liability and they are towns with money who can afford to meet it.

**Pam Oliver, 53 Greenvale Avenue**, urged the Council not to hold out a lot of money for something that may not happen, while the schools, public safety and libraries need money now and they have a deadline for spending by June 30, 2015.

Mr. McKinney responded that the weather is unpredictable, it's fiscally imprudent to defer the costs to next year. The town must look long-term. Now they are mandated to make a retirement contribution because they didn't in the past. There may be some changes down the road. He is trying to conservatively budget for the long-range.

Councilor DiFazio noted the seven recommendations made in the February 2011 Massachusetts Taxpayer Report, 5 were legislative- only 2 municipal. A few weeks ago while setting the tax rate, the Council was expected to be business friendly but they were without a plan. He asked for an update on what the legislation and the town has been doing. He is not comfortable with just throwing money at the OPEB issue without knowing there is a long term plan. Mr. McKinney noted that legislative changes that were in the works died in the legislature.

**Robert Montgomery Thomas, 848 Washington Street**, reviewed the report and an actuarial report several years ago that suggested the town put

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additional funding to OPEB. Whether they agree with it or not, the town owes this to its retirees until the legislation deals with it and has to set it aside. The town needs to be forward thinking and propose a legislative process to address it.

**Donna Peavey, 20 Peter Road**, urged not funding OPEB and instead putting funding to schools.

**Julie Holmes, 876 Middle Street** urged not funding this; she noted the schools are unable to meet the civil rights of children because there isn't enough money to fund staffing and education.

**Mary Ellen Devine- President of the Town-Wide Parent Council**, noted all departments are begging for funding; she urged the Council to keep the funding in town and use it to support the schools.

**Cynthia Lydon 73 Church Street**, supported funding schools; noting that it affects the whole town.

**Gus Perez, 16 Hewitt Road**, observes that all comments are directed to Mr. McKinney as a representative of the Mayor. It is her decision to submit the measures. They need to recognize where the decisions are being made. None of the proposed solutions in the reports suggest minimally funding the liability; there are better uses of the funds. Layoffs aren't guaranteed nor has it been proven that the town's bond rating will be affected by not funding the OPEB liability.

Mr. McKinney reviewed his approach to conservative budgeting over several years.

**Chris Primiano, 32 Rindge Street** asked what is the return on the investment? He noted that while they can't guarantee it they can quantify the effect on other town departments.

**Robert Montgomery Thomas, 848 Washington Street**, asked if OPEB has to go on the books this year? Mr. McKinney responded that the entire pension liability has to be added to financial statements with the new GASBY standard.



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**Gus Perez, 16 Hewitt Road**, responded that Weymouth is not going to be singled out.

Councilor Conlon concurred with Mr. McKinney and noted that he has indicated that he is working on the problem.

A motion was made by Vice President Smart to continue the public hearing on measure 14 114- Free Cash-OPEB Liability Trust Fund to the January 5, 2015 Town Council meeting and was seconded by Councilor Mathews.  
UNANIMOUSLY VOTED.

**14 115- Free Cash-Police Department**

A motion was made by Vice President Smart to open the public hearing on measure 14 115- Free Cash-Police Department and was seconded by Councilor Mathews. This was published on December 5, 2014.  
UNANIMOUSLY VOTED.

The following comments were from the public:

**Chris Primiano, 32 Rindge Street**, reported that these funds should be in the normal budget cycle and not funded from free cash.

**Gus Perez, 16 Hewitt Road**, noted that this is an indication that the town recognizes that other departments have needs too.

**Andrea Honore, 161 House Rock Road**, publicly thanked the Police Department for their work.

**Robert Montgomery Thomas, 848 Washington Street** thanked the police and other departments; he noted that 95 people are responsible for taking care of the police needs of the residents of the entire town.

Councilor DiFazio asked if the reallocation for overtime is included. CFO McKinney responded that it is part of the measure-all was combined in the measure.

Councilor Molisse reported that the measure was reviewed in depth at the earlier Budget/Management meeting. He asked the Chief to speak about the creative approach to the new vehicle purchases and the prospective hires

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who will be filling existing vacancies. It was noted that they are all veterans from the civil service list.

Councilor Hackett asked if the money from salaries to overtime will be put into an 02 account and drawn down versus having it in the budget. Unutilized funds will have to be re-appropriated rather than fall to free cash.

Vice President Smart asked how many vacancies exist in the department. It was noted that there are four.

A motion was made by Vice President Smart to close the public hearing on measure 14 115- Free Cash-Police Department and was seconded by Councilor Mathews. Chief Grimes thanked the public for their support. UNANIMOUSLY VOTED.

## **OLD BUSINESS**

### **Carryover of Measures to 2015-Council Vice President Michael Smart**

A motion was made by Vice President Smart to carry over two items in committee to 2015:

14 107-Zoning Ordinance Amendment to Allow Restaurants with Drive-through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article VIB, Section 120-22

14 115- Free Cash OPEB Liability Trust Fund

The motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

### **14 116-CPC-Digitizing Weymouth Gazette and News**

Mr. McKinney requested on behalf of the Mayor that the town of Weymouth raise and appropriate the sum of \$5,000 from the Community Preservation Fund-Fund Balance Reserved (Historic) for the costs associated with digitizing microfilm reels of the Weymouth News and Weymouth Gazette.

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A motion was made by Vice President Smart to refer measure 14 116-CPC-Digitizing Weymouth Gazette and News to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**14 117-Reserve Fund Transfer-Municipal Finance**

Mr. McKinney requested on behalf of the Mayor that the town of Weymouth transfer the sum of \$50,000 from the Reserve Fund (Program 132) for the purpose of funding the costs associated with an increase in the contract for property valuations.

A motion was made by Vice President Smart to refer measure 14 117-Reserve Fund Transfer-Municipal Finance to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**14 118-Reserve Fund Transfer-Human Resources**

Mr. McKinney requested on behalf of the Mayor that the town of Weymouth transfer the sum of \$18,000 from the Reserve Fund (Program 132) for the purpose of funding the cost associated with utilizing the services of a human resources consultant.

A motion was made by Vice President Smart to refer measure 14 118-Reserve Fund Transfer -Human Resources, to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**14 119-Reserve Fund Transfer-Town Building Maintenance**

Mr. McKinney requested on behalf of the Mayor that the town of Weymouth transfer the sum of \$3000 from the reserve fund to fund the cost of hiring part time custodian fro the Teen Center.

A motion was made by Vice President Smart to refer measure 14 119-Reserve Fund Transfer-Town Building Maintenance to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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## **REPORTS OF COMMITTEES**

### **Budget/Management Committee Chair-Michael Molisse**

#### **14 113- Free Cash-School Department**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 1, 2014. The committee met on December 15, 2014. A public hearing was held on December 15, 2014.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 113; that the Town of Weymouth raise and appropriate the sum of \$300,000 from free cash for the purpose of funding the cost associated with the School Department's FY15 Operating Budget and was seconded by Councilor Smart. Councilor Haugh recused herself due to a potential conflict of interest related to her employment. UNANIMOUSLY VOTED 8-0, with one recusal.

#### **14 114-OPEB Trust Fund Liability**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 1, 2014. The committee met on December 15, 2014. A public hearing was held on December 15, 2014 and continued to the January 5, 2014 meeting.

#### **14 115- Free Cash-Police Department**

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on December 1, 2014. The committee met on December 15, 2014. A public hearing was held on December 15, 2014.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 14 113; that the town of Weymouth raise and appropriate the sum of \$960,000 from free cash for the purpose of funding the cost associated with Police Department Operating Expenses (uniforms, overtime, vehicles) and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

## **NEW BUSINESS**

### **District Priorities Program-President Patrick O'Connor**

Council President O'Connor submitted a letter to the Mayor and spoke to some of the Councilors regarding this new program. He has requested that \$30,000 from the FY16 operating budget, or such other identified funding source, to be divided equally amongst the six districts for betterment

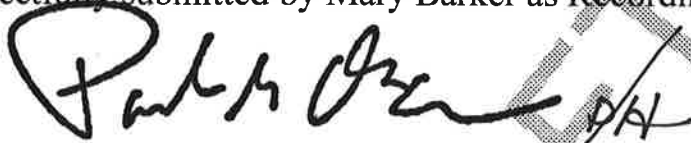
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projects within each district (parks, square improvements, cleanups, etc.) Once the Councilors have identified projects, he intends to propose them in the form of a nonbinding resolution for vote by the Council at the January 20, 2015 meeting. He will follow up with a letter to each of the District Councilors. He hopes to increase the program to something more significant going forward. No action is required at this time.

#### ADJOURNMENT

Council President O'Connor wished everyone Merry Christmas and Happy Holidays. The next regular meeting of the Town Council is scheduled for Monday, January 5, 2015. At 9:54PM, 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

A handwritten signature in black ink, appearing to read "Patrick O'Connor", followed by the initials "D&K".

Approved by Patrick O'Connor as Council President

Voted unanimously  
on 20 Jan 2015