

***Town Council Meeting  
January 7, 2013 at 7:30 PM  
Town Council Chambers***

Present: Arthur Mathews, President  
Francis Burke  
Robert Conlon  
Kenneth DiFazio  
Jane Hackett  
Ed Harrington  
Thomas J. Lacey  
Brian McDonald  
Michael Molisse  
Michael Smart

Not Present: Patrick O'Connor  
Solicitor George Lane

Also Present: Richard Swanson, Town Auditor  
Kathy Deree, Town Clerk  
William McKinney, Chief Financial Officer  
Jeffrey Richards, Director of Building

Recording Secretary: Diane Hachey

President Mathews called the Town Council Meeting to order at 7:33 PM.

Following the Pledge of Allegiance, Kathy Deree conducted roll call with Councilors O'Connor and McDonald not present. President Mathews noted that Councilor O'Connor has a family commitment and Councilor McDonald is running late from work. Additionally, Solicitor Lane is not in attendance due to a family commitment.

**Announcements:**

Councilor Burke announced that MASS DOT will hold a public information meeting on the Fore River Bridge replacement project, on Tuesday, January 15<sup>th</sup> from 6:30-8:30 PM at the Whipple Center. The public is encouraged to attend.

Councilor Smart noted that the Pond Plain Improvement Association, in conjunction with Boy Scouts Troop 9, will hold a bottle drive on January 12<sup>th</sup> from 9:00 to 1:00.

## **Minutes:**

### **Budget/Management Committee Meeting Minutes of December 17, 2012**

Councilor Smart motioned to approve the Budget/Management Committee Meeting minutes of December 17, 2012, motion seconded by Councilor Burke and voted unanimously.

### **Town Council Meeting Minutes of December 17, 2012**

Councilor Smart motioned to approve the Town Council Meeting minutes of December 17, 2012, motion seconded by Councilor Burke and voted unanimously.

## **Public Hearings**

### **7:35 PM 12 122-Fiber Optic Cable Petition (Light Tower Fiber Networks)-Libbey Industrial Parkway and Performance Drive**

Councilor Smart motioned to open the public hearing, noting that the abutters were notified on December 28<sup>th</sup>, motion seconded by Councilor Burke and voted unanimously.

Herb Bertoni of Light Tower Fiber Network requested that a petition for grant of location is granted for approximately 1415 feet of one new 4 inch schedule 40 PVC, in addition to fiber optic cable be installed along Libbey Industrial Parkway and Performance Drive. This request is being made to supply telecommunication service to 90 Libbey and 51 Performance Drive.

Councilor Smart requested that they abide by building department rules for concrete casings, and the town's ordinance, as related to returning streets to their original condition.

President Mathews asked if Mr. Bertoni received a copy of the comments from the Director of Public Works and read into the record as follows:

“The right of way should be staked prior to construction. If the conduit falls outside of the right of way, the utility owner is responsible for securing easements from the private owner located at 97 Libbey Industrial Pkwy and any other private owners affected.

The contractor is required to obtain a street/sidewalk opening prior to digging.

Mr. Bertoni confirmed that he received the comments and acknowledged that he will adhere.

President Mathews asked if there were any comments from the public to which there was no response.

Councilor Smart motioned to close the public hearing on measure number 12 122, motion seconded by Councilor Burke and voted unanimously.

Councilor Smart motioned for approval under 2-9 (b), motion seconded by Councilor Burke and voted unanimously.

Councilor Smart motioned for approval of measure number 12 122, motion seconded by Councilor Burke and voted unanimously.

### **7:36 PM 12 124-Free Cash-Replacement Vehicle for Schools**

Councilor Smart motioned to open the public hearing on measure number 12 124, noting that the measure was advertised on December 28<sup>th</sup>, motion seconded by Councilor Burke and voted unanimously.

Mr. McKinney explained that \$20,616 was taken from free cash to replace the vehicle which was stolen. The total cost of the vehicle was \$30,000 and a bond in the amount of \$100,000 was approved in 2011 for new vehicles of which a balance of \$9,000 remains. An insurance settlement of \$22,000 is anticipated.

President Mathews asked if there were any comments from the public to which there was no response.

Councilor Smart motioned to close the public hearing, motion seconded by Councilor Burke and voted unanimously.

### **Old Business**

#### **Request to Town Council Members for Support of a Public Hearing Relative to South Shore Hospital's Petition for Determination of Need (action requested under 2-9 (b) -Councilor Michael Smart**

Councilor Smart explained that on December 28<sup>th</sup>, South Shore Hospital ran a legal ad as it was required. An additional requirement is mandated of (ten)10 taxpayers to ensure that a public hearing is held for the public benefit through the Department of Public Health. He is requesting signatures are completed this evening. It was noted that Dan McCormack (Public Health Director) has included a letter of support.

Councilor Conlon noted his concern that the public hearing is held locally for the benefit and convenience of Weymouth residents.

Councilor Smart motioned that the Town Council sign a petition, joining in the Mayor's efforts to form a 10 taxpayer group, to hold a public hearing in the town of Weymouth for determination of need.

Councilor Hackett made a point of order, noting that action is being requested under same night action (2-9 (b)).

Councilor Smart withdraws his original motion and motions for consideration under 2-9 (b), motion seconded by Councilor Burke and voted unanimously.

Councilor Smart motions that the Town Council sign a petition, joining in the Mayor's efforts to form a (ten)10 taxpayer group, to hold a public hearing in the town of Weymouth for determination of need. Motion seconded by Councilor Burke .

Councilor Hackett noted that South Shore Hospital has agreed to hold the public hearing and this action tonight is a formality.

Councilor Harrington disclosed that he volunteers at South Shore Hospital and there is no conflict of interest relative to his voting.

Voted unanimously. President Mathews requests that all Councilors sign the petition this evening.

### **Communications and Reports from the Mayor, Town Officers and Town Boards**

#### **13 001-Creation of Harbormaster Revolving Account**

Mr. McKinney requests on behalf of the Mayor, that a revolving account for the Harbormaster is established for rental of the boat for construction commencing on the Fore River Bridge replacement project.

Councilor Smart motioned for referral of measure number 13 001, to the Budget/Management Committee, motion seconded by Councilor Burke and voted unanimously.

### **Reports of Committees**

#### **Budget/Management Committee-Chair Kenneth DiFazio**

#### **12 123-Reserve Fund Transfer for the Department of Municipal Licenses and Inspections**

Councilor DiFazio noted that this measure was referred on December 17, the committee met on January 7 and voted unanimous favorable action. He pointed to an amendment to \$6,100 in the measure. On behalf of the Budget/Management Committee Councilor DiFazio requests favorable action on measure number 12 123, motion seconded by Councilor Smart and voted unanimously.

### **12 124-Free Cash-Replacement Vehicle for Schools**

Councilor DiFazio noted that this was referred on December 17, the committee met on January 7 and voted unanimous favorable action. On behalf of the Budget/Management Committee Councilor DiFazio requests favorable action on measure number 12 124, motion seconded by Councilor Smart and voted unanimously.

With no further business to attend to, Councilor Smart motioned to adjourn at 7:57 PM, noting that the next Town Council Meeting will be held on Tuesday January 22, 2013, motion seconded by Councilor Burke and voted unanimously.

Respectfully Submitted by: Diane T. Hachey

Approved by:

Council President Arthur Mathews