

TOWN COUNCIL MINUTES
Town Hall Council Chambers
January 22, 2013, Tuesday

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Francis Burke, Councilor
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Edmund Harrington, Councilor
Thomas J. Lacey, Councilor
Brian McDonald, Councilor
Michael Smart, Councilor

Not Present: Michael Molisse, Councilor

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Kathy Deree, Town Clerk
Richard Swanson, Town Auditor

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll with one member absent. President Mathews reported that Councilor Molisse was not present due to a prior family commitment.

MINUTES

Ordinance Committee Meeting minutes, December 3, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Ordinance Committee Meeting of December 3, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Budget/Management Committee Meeting minutes December 3, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Budget/Management Committee Meeting of December 3, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Town Council Meeting minutes December 3, 2012

A MOTION was made by Vice President O'Connor to table the minutes from the Town Council Meeting of December 3, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Joint Public Parks and Recreation Committee and Recreation Commission Meeting minutes December 10, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the joint Public Parks and Recreation Committee and Recreation Commission Meeting of December 10, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

OLD BUSINESS

13 066-Weymouth/Pond Plain Improvement Association-Approval of the Public Benefit Grant Agreement – action requested under 2-9(b), same night action.

President Mathews invited Solicitor Lane to review. Solicitor Lane reported that a public hearing was held on December 3, 2012 on the appropriation of \$75,000 for repairs to the roof and entranceway of the Pond Plain Improvement Association's building. The building has been used for public benefit for many years. In that regard, the Council, recognizing the public benefit, approved the appropriation. Before the Council this evening is a Public Benefit Grant Agreement between the Town of Weymouth and the Pond Plain Improvement Association, which recognizes the public benefit for utilization of funds out of the Stabilization Fund, and in that regard, the basics of the Public Benefit Grant Agreement is the use of the premises for public purposes. In addition, if that property came on the market, or they wished to sell, then the Town of Weymouth would have the first option to buy it. This agreement has been approved by the operatives of the PPIA and signed by the Mayor. To complete the arrangement, it is before the Council now for approval.

Councilor Lacey asked why same night action is requested. Solicitor Lane responded that the appropriation has already been made and the work to be done is time sensitive. The request is to facilitate commencement as quickly as possible. Councilor Conlon noted that the first right of refusal should be made a part of the agreement. If the PPIA plans to sell within 5-10 years, then the cost of repairs should be deducted from PPIA's proceeds. Solicitor Lane responded that both parties would be required to agree upon a sale price. Vice President O'Connor noted Councilor Conlon's recommendation should be taken into consideration when negotiating similar future agreements.

A Motion was made by Vice President O'Connor to consider item 13 006 Weymouth/Pond Plain Improvement Association-Approval of the Public Benefit Grant Agreement under 2-9 (b), same night action, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A Motion was made by Vice President O'Connor to Approve item 13 006-Weymouth/Pond Plain Improvement Association-Approval of the Public Benefit Grant Agreement; that the town of Weymouth, through Town Council and with the consent of the Mayor, approves the Public Benefit Grant Agreement in connection with Order Number 12 119-approving the Appropriation of \$75,000 for the purpose of funding the improvements to the Pond Plain Improvement building, as agreed, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

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

13 003-Special Purpose Stabilization Fund for Sidewalk Repairs

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$150,000 from the Special Purpose Stabilization Fund for Capital Projects, for the purpose of funding the costs associated with the repairing of town sidewalks.

A Motion was made by Vice President O'Connor to refer item 13 003-Special Purpose Stabilization Fund for Sidewalk Repairs, to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 004-Community Preservation Committee-Emery Estate Access and Parking Design

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$90,000 from the Community Preservation Fund, Open Space Set-Aside, for the purpose of funding the costs associated with the Emery Estate Access and Parking Design.

A Motion was made by Vice President O'Connor to refer item 13 004-Community Preservation Committee-Emery Estate Access and Parking Design to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 005-Weymouth Police and Fire Departments Acceptance of M.G.L. c.31, s. 58A-Maximum Age Restriction

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth, through Town Council with approval of the Mayor, accept MGL Ch.31, Section 58A-providing for maximum age restrictions for original appointments of municipal police officer and firefighter positions.

A Motion was made by Vice President O'Connor to refer item 13 005- Weymouth Police and Fire Departments Acceptance of M.G.L. c.31, s. 58A-Maximum Age Restriction to the Ordinance Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 007-Police Department Line Item Transfer

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$390,000,000 from the Salary to Overtime line items.

A Motion was made by Vice President O'Connor to refer item 13 003- Police Department Line Item Transfer to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

NEW BUSINESS

13 002-Process to Contract for Independent Audit- Richard Swanson/Town Auditor

President Mathews invited Auditor Richard Swanson to the table. Mr. Swanson reported that under section 6-1.1 of the town Charter:

The award of a contract to audit shall be made by the Town Council, on the recommendation of its Budget/Management Committee.

He provided an outline of the process of securing a contract for an independent audit of the town's books and records for fiscal year 2013 and beyond to the members and requested it be referred to committee by deliberation, noting he will commence work on obtaining proposals from qualified audit firms once the measure has been approved by council. Councilor Harrington asked why only three firms' proposals would be chosen for consideration. Auditor Swanson responded that he would choose based on personal knowledge of the firms, and it is consistent with town bidding policies. President Mathews responded that the process will be determined by the Budget/Management Committee when it reviews the measure. The current contract is expiring and the committee will determine whether to go out to solicit a new contract. He recommended any councilor who has questions on the process should attend the Budget/Management meeting.

A Motion was made by Vice President O'Connor to refer item 13 002-Process to Contract for Independent Audit, to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor Harrington read into record the following:

"In previous hearings we have established that we are behind in payments for retired employee benefits in the approximate \$29.4 million. We have not been making our approximate \$10,000 annual payments.

The Fire Chief stated that he needs approximately 25 more firefighters. If for example all costs per firefighter averaged \$65,000 annually, the fire Department needs \$1.625 million for that cost.

The Chief of Police stated that he needs approximately 6 more police officers. If those officers' costs are \$65,000 each annually, then the Police Department needs approximately \$390,000 annually.

To keep our streets paved at the current conditions would cost another \$1.2 million annually:

<u>Type of Cost</u>	<u>Annual Cost/Revenue Shortfall</u>
Retired Employee benefits	\$10,000,000
25 Firefighters	\$1,625,000
6 Police	\$390,000
Maintain streets at present level	\$1,2000,000
Net School Spending Levels Stabilization	?
Class size cost? School Costs	?
Restore and Improve DPW	?
Maintain all Town Playing Fields	?
	\$13,215,000

I am establishing some very rough figures so that we might all think about our appropriate levels of concern and possible resolutions to what appears to be a very large annual revenue shortfall. I would like to develop an accurate ballpark estimation of the Town's Annual Revenue Shortfall.

I have real concerns that operating at this level of funding exposes us to the probability of some kind of emergency fiscal crisis.

Generally, we think of these issues one at a time. Each issue in itself is a cause for great concern. Collectively, they create the larger issue of fiscal crisis.

One of my fellow Councilors has suggested that we do some long-term planning, and explore all avenues of resolution. I agree that we should do that. To do that, we will need to fully understand all of these issues and collect all relevant information and discuss and develop options.

The public must be informed of the condition of the town's finances and related money issues so the public might actively participate in resolving these issues if that course of action is to be pursued.

I believe that it is my duty and the duty of the Council to bring this information to the public.

Determining Optimal Classroom Size- Councilor Ed Harrington

A Motion was made by Councilor Harrington to refer Determining Optimal Classroom Size to the Education Committee and was seconded by Councilor Vice President O'Connor. Councilor Lacey noted that he read the information and it is interesting. He asked why only three of the items on the lengthy list are subject of discussion in the approach for a long-term planning. Councilor Harrington responded that the other items have been touched upon elsewhere. The figures have been established by the police and fire departments. Councilor Lacey would like to see the numbers cited validated; he isn't challenging them but the town has established a good faith effort payment to its benefits liability. There is significant monies sitting in mitigation -\$11 million in multiple buckets

and in fairness to the discussion it should be considered. He requested through the president that the town auditor provide a quarterly review as part of the discussion. UNANIMOUSLY VOTED 10/0.

Department of Public Works staff reductions and privatization of town services- Councilor Ed Harrington

A Motion was made by Councilor Harrington to refer Department of Public Works staff reductions and privatization of town services, as it relates to services previously provided by municipal employees, to the Public Works Committee and was seconded by Vice President O'Connor. Councilor Lacey noted the language was off the mark, but that he will support the referral. UNANIMOUSLY VOTED, 10/0.

Projection of commercial growth and development- Councilor Ed Harrington

Councilor Harrington reported that it behooves the council to have a discourse to determine how to get to the levels that are needed and to project commercial growth. He would like a discussion and review of growth and vacancy rates to form a reasonable projection.

A Motion was made by Councilor Harrington to refer Projection of commercial growth and development to the Economic Development Committee and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/0.

ADJOURNMENT

The next Town Council Meeting has been scheduled for Monday, February 4, 2012. At 8:02 PM; there being no further business, a MOTION was made by Vice President O'Connor to adjourn the meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as Council President