

Town Council Meeting
February 7, 2011 at 7:30 PM
Town Council Chambers

Present: Arthur Mathews, President
Robert Conlon
Kenneth DiFazio
Ed Harrington
Thomas Lacey
Patrick O'Connor
Victor Pap III
Michael Smart

Not Present: Michael Molisse
Brian McDonald
Kevin Whitaker

Also Present: George Lane, Town Solicitor
Richard Swanson, Town Auditor
Frank Fryer, Town Clerk
Mayor Susan Kay
Department Heads (for State of the Town Presentation)

President Mathews called the Town Council Meeting to order at 7:30 PM.

Following the Pledge of Allegiance, Frank Fryer conducted roll call with Councilors Whitaker, Molisse and MacDonald not present.

President Mathews noted that he had spoken with the absent Councilors who were not able to attend this evening.

Announcements:

Councilor Harrington announced the following highlights from the High School Athletics Department:

- boys' cross country-second place Bay State Conference
- boys' soccer-Bay State Conference Champions,
- girls' soccer-Bay State Conference Champions, Division 1 South Finalists
- football-Bay State Conference Champions, MIAA Superbowl Play-offs
- girls' cross country-Bay state Conference Champions, Division 1 State Champions

Additionally, on April 12th the Athletic Department will host a basketball game between current members of the Patriots and a select team of Weymouth all star players.

This coming June the Athletic Department will be hosting the 3rd annual 5k walk-a-thon to benefit all athletic programs.

Minutes:

Environmental Committee Meeting Minutes of January 18, 2011

Councilor O'Connor motioned to approve the minutes, motion seconded by Councilor Smart and voted unanimously.

Town Council Meeting Minutes of January 18, 2011

Councilor O'Connor motioned to approve the minutes, motion seconded by Councilor Smart and voted unanimously.

Public Works Committee Meeting Minutes of January 24, 2011

Councilor O'Connor motioned to approve the minutes as amended, motion seconded by Councilor Smart and voted unanimously.

Public Hearings

7:35 PM 11 004- Community Preservation Committee-Abigail Adams House

Councilor O'Connor motioned to open the public hearing, and noted that it was published on January 28, 2011. James Clarke and Walter Flynn presented and noted that additional detail was provided at each Councilors' place. The additional material encompasses the summary of the Abigail Adams Historical Society grant application, broken down by phases; the budget detail and repair recommendations and cost estimates.

The CPC committee is requesting \$90k to fund repairs to the Abigail Adams House-\$71,975 from the historic resources reserve fund and \$18,025 from the CPC general reserve fund.

The CPC committee voted to heat the building in order to protect the artifacts which are housed at the location.

Councilor Harrington (the Town Council CPC designee) voiced the importance of this project, he noted that Local 103 has offered to wire the building and thanked them for their support towards this effort.

Comments from the public were as follows:

Cathy Torrey of 14 Riverbank Road, former President and current board member of the Abigail Adams Historical Society, noted the importance of this project and announced her favorable support.

Judith Alukonis, current President of the Abigail Adams Historical Society, noted that the Abigail Adams House represents ideas and ideals, with an emphasis on education and freedom, to preserve the house is to preserve history. She extended her gratitude to the Council for their support of this important restoration project.

At 7:45 PM Councilor O'Connor motioned to close the public hearing, motion seconded by Councilor Smart and voted unanimously.

Communications and Reports from the Mayor, Town Officers and Town Boards
Current State of the Town and Fiscal Year 2012 Address-Mayor Susan M. Kay

“Good Evening Mr. President, Councilors, Superintendent Livingstone, Members of the School Committee, Weymouth employees, and fellow citizens.

On January 2, 2008, I took office with the prospect of improving the quality of life in Weymouth. I was honored to accept the faith and trust you placed in me and I pledged that before a major decision was made that I would listen to all opinions, be diligent in my study of issues, and keep the deliberations of government open to the citizens of Weymouth.

On that date, none of us could know how truly challenging it would be. In January, 2008, Weymouth had an unemployment rate of 4%, by the beginning of 2010, it had climbed to 10%; Today it stands at 8.2%. For FY 2008, state aid to the town was approximately \$34 million while in FY2011, state aid was three million dollars less, at \$ 30.6 million.

Even that number however is misleading. Since I took office, state and federal funding for education has increased while state aid to general government which includes police, fire, public works, human services, and inspections, has declined by \$3.8 million or 32%. The state priority has clearly been in one direction. The town of Weymouth has really been left to fend for itself in providing services to all its citizens. That is not the end of the story.

For FY2012, the Governor's budget proposes an additional reduction in aid to the general government side of our budget, of almost \$700,000 while increasing funding to the schools by \$3.1 million. Once again, it appears that FY2012 is slated to be one-sided. The governor's budget message suggests that in order to achieve a savings, the

communities will find solace in being mandated to join the State's Group Insurance Plan (GIC), or some similar venture. We, in Weymouth and to the credit of our employees, did so two years ago. Where do we go now? In 2008, the cost of health insurance in this town was budgeted at \$10.2 million, while fiscal year 2012 health insurance costs are projected to be close to \$20 million.

Do not mistake my remarks as wishing to convey an 'Oh woe is us' attitude. I merely wish to present a clear picture of the challenges faced by Weymouth and other communities over the past three years and into the next. It is about how we have worked our way through, or in some cases been able to overcome challenges. Weymouth is poised to do more.

During these troubled economic times, we have made some progress. For example, on the Weymouth Landing project in conjunction with Mayor Sullivan of Braintree and the "MBTA", our progress includes:

- street lights, striping and landscaping of the municipal lot.*
- a new Village Center zoning package that was adopted this past December.*
- a Public Works PWED grant award for over \$2 million dollars applied for by Mayor Sullivan and myself, will result in streetscape improvements to begin in spring.*

Through prudent use of the Community Preservation Fund, we have successfully used some of those funds for:

- the rebuilding and restoring of the memorial walls that surround Legion Field*
- renovating the exterior of Fogg Library with the intention of eventually opening it for public use.*
- improved the Herring Run, which includes a small park with educational kiosks and murals in Jackson Square*
- we purchased over an acre of land to be combined with Abigail Adams State Park on the Back River.*

We have sought efficiencies in utilizing a Federal Energy Efficiency Grant that allowed us to:

- *retrofit lighting in public buildings*
- *purchase energy efficient I.T. Equipment*
- *replace Town traffic signals with L.E.D lights*
- *develop a long term energy efficiency plan*
- *Weymouth received \$85,000 grant from Mass Clean Energy Technology Center to install MET tower and gather data for possible turbine placement at the High School*

We have consistently procured electricity and natural gas on the open market. By doing so, we have locked in low rates that have served us well.

We have opened a new state of the art Great Pond Water Treatment Plant that has also allowed us to fulfill the last obligation under a water consent decree. The construction of this new facility has positioned us for the new EPA and DEP water quality standards soon to be in effect. It is state of the art.

We have been able to purchase a new fire engine and have also been able to replace, to a limited extent, some DPW equipment including snow plows. Those purchases have served us well this year. We need to do more.

As Mayor, I am proud to report that we have improved our cash position despite the tough economic times. As a result, we have been able to secure bonding at preferred rates, saving taxpayers significant costs. (Rating A2).

As I entered office in FY2008, certified free cash was \$181k, compared to \$2.4 million in current year, FY11. Through the use of free cash, a one-time source of revenue, we have been able to fund items such as snow removal, health insurance, benefits for our employees and modest retro raises for fire fighters as a result of the arbitration process. Additionally, we were able to purchase police department radios, a police cruiser and

training ammunition. We will continue to utilize free cash for snow removal and other extraordinary one-time expenses.

I planned on FY2011 to be the bottom year. I hope this is so.

Recently, we have received over \$900,000 as part of the Host Community Agreement with Southfield. Like free cash, these funds are non-recurring. These funds will be used for much needed capital projects. If we are successful, it will be my intention to use some of the funds for continued improvements at Legion Field, most notably the demolition and improvement to the area of the stands. It had always been envisioned that these revenues would fund some of our annual capital projects. It is my intention to continue along that path.

With the economic downturn, we have not been able to keep pace with the state mandated funding for education. The state proposes to fully fund education in FY2012.

Unfortunately, this negatively impacts the town's mandated net school spending obligation. I have submitted a measure to Council to lift the restrictions of \$550K, set aside in FY10 for Special Education. This will begin our efforts to close the gap of the state mandate.

In addition, I will continue to seek funding for snow removal in order that Weymouth will not have a deficit as we close the year.

We are able to achieve such goals, not with complacency, nor resignation to the economic realities we face, but with hard work and vision. We have not sat around lamenting our situation. We have worked hard. Our citizens have done their part by continuing to pay their taxes on all fronts: motor vehicle excise, real estate and personal property. We have worked to collect outstanding taxes with a balanced approach to ensuring that we are not putting our residents out of their homes. We must continue to follow a rational approach to government. I am aware that in this area our auditors want us to do more; I am unwilling to blindly follow accounting rules at the expense of

our residents. That is not my way of governing. We must balance the reality of our citizen's needs with the requirements for cash.

I have resisted increasing our trash fees despite calls to do otherwise. We have not adopted the meals tax. I do not wish to further burden the residents and small business owners of Weymouth. However, given the realities of our shrinking revenues, we must stay open to further consideration of these options.

The office of Mayor is not about the individual who occupies the office; it is about Weymouth and its future. I promised that I would put the interests of Weymouth above my own regardless of the circumstances. My approach to the office for Mayor begins with its citizens. I have executed on that promise.

Overall, we the citizens of this town are proud of Weymouth and are willing to work hard to make it a better place to live, work, play and educate our children.

I knew when I took office that the only major new growth in local revenues for the town would come from Southfield. It is in Weymouth's best interest that it be done. I have and will continue to carefully monitor the progress and impacts on Weymouth. Growth cannot be had at the expense of our town.

I am in the process of compiling a FY2012 budget. As mentioned earlier, the Governor has specifically targeted local aid to the general government for reductions. We are in the process of plotting a course to accommodate that mandate.

It is my intention to stay engaged with all our citizens, not just a vocal few. It is my intention to understand the issues, to continue to speak with our employees to determine how we can improve delivery of services, and to schedule time to once again meet regularly with neighborhood groups. I want to hear from and speak to you. After all, it is all our citizens that government should serve.

Residents of Weymouth, you have endured a very hard and tough economy, a grueling winter and in some cases, scaled back services. I wish to personally thank you for your patience and support in these troubled times. I share with you a better vision for Weymouth and will work tirelessly toward that end.

Thank you Mr. President and Councilors for this time to speak to the citizens of the town.”

11 007-Appointment of Director of Municipal Finance-William McKinney

Mayor Kay introduced Mr. McKinney to the Council and respectfully submits his name for appointment as Director of Municipal Finance.

Councilor O’Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

President Mathews noted that the Budget/Management Committee will schedule a meeting, and invite Mr. McKinney for a discussion and a reporting back to the Town Council.

11 008-Authorization to overexpend for snow removal action requested under 2-9(b) in the interest of public safety

Mr. Bois and Mr. Chiasson presented on behalf of the Mayor and requests that the Town Council render its authorization for the Department of Public Works to overexpend any and all line items associated with snow removal. Mr. Chiasson noted that originally \$320k was budgeted for snow removal, with an additional \$500k appropriated recently from free cash; to date snow removal costs total approximately \$1M. This is comprised of contractors, overtime, salt, sand and vehicle maintenance. An excel spreadsheet was distributed which indicates, by storm, what the expected expenditures are. It was noted that the exact cost to date is difficult to quote as many invoices surrounding storm services have yet to be submitted for payment.

Mr. Bois noted that the nature of the measure is for approval to overspend, with no specific amount at this time, in order that vendors can be paid. In the near future, a measure with specific monetary amounts will be presented to Council.

Councilor DiFazio requests that the DPW/Mayor deal appropriately with post storm issues. He credits them for doing a great job given the amount of snow recently experienced on the area, but wants to make sure that once streets are plowed initially that additional passes by plows occur so roads don’t ice over.

Councilor O’Connor motioned for action under 2-9(b), motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned for favorable action, motion seconded by Councilor Smart and voted unanimously.

11 009-Reserve Fund Transfer for Public Works Vehicles

Mr. Bois presented on behalf of the Mayor and requests that \$100k is transferred from the reserve fund in order to fund the capital expenses associated with purchasing two replacement plow trucks for the Department of Public Works.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

11 010-Sewer Retained Earnings for a Vector Truck

Mr. Bois presented on behalf of the Mayor and requests that we raise and appropriate \$325k in order to fund the purchase of a new Vector truck and its associated equipment.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

11 011-Appropriation request for police patrolmans' union contract settlement

Mr. Bois presented on behalf of the Mayor and requests the sum of \$473,858 in order to fund the FY 2010 and first half of FY2011 economic impact of a collective bargaining agreement between the town of Weymouth and the police patrolmans' union, Massachusetts Coalition of Police, Local 378, AFL-CIO.

Councilor DiFazio requested that the current contracts for both this and measure number 11 013 be made available to the Budget/Management Committee for their deliberations.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

11 012-Water retained earnings for Essex Street Water Tank

Mr. Bois presented on behalf of the Mayor and is requesting \$750k for funding the costs associated with the painting and repair work of the Essex Street water tank.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

11 013-Appropriation request for police superior officers' contract settlement

Mr. Bois presented on behalf of the Mayor in request of \$206,807 from free cash to fund the FY 2010 and first half of FY 2011 economic impact of a collective bargaining agreement

between the town of Weymouth and the police superior officers' union, New England Police Benevolent Association, Local 85.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

Reports of Committees

Public Works Committee, Chairman Ed Harrington

-Review and discussion of questions posed at the Town Council meeting of January 3, 2011—regarding Southfield water/sewer and associated issues

Councilor Harrington reported that on January 3, 2011 Mr. Galluzzo appeared before Council and spoke regarding Southfield water/sewerage issues, with numerous questions within his presentation. These questions were forwarded to the Mayor's Office for answering and subsequently discussed at the Public Works Committee meeting, which was held on January 24, 2011 at which time some questions were answered by Mr. Chiasson, the majority by the Mayor, and the final question by President Mathews. There was significant productive discussion by members in the audience.

Budget/Management Committee-Chairman Kenneth DiFazio

11 003-Reappropriation fiscal year 2010 SPED education

Councilor DiFazio reports that this measure was referred to the Budget/Management committee on January 18 who met on January 31 and voted unanimous favorable action (5-0).

Councilor DiFazio motioned, on behalf of the Budget/Management Committee, for favorable action in the sum of \$550k from account 02200775 to be reappropriated for the general use of the school department. In November of 2009, measure number 09 130 was approved in order to supplement the FY 2010 SPED out-of-district tuition-Councilor DiFazio further noted that to date no funding has been expended. Motion was seconded by Councilor Smart.

Mary Jo Livingstone and Sean Guilfoyle appeared before the Council to answer questions and provide an overview. In fiscal 2010 the schools experienced a \$450k reduction from state aid, therefore \$550k was set aside in anticipation of paying SPED tuition.

Sean Guilfoyle noted that the schools could utilize 20% of the \$550k of aid, if the current deficit of \$2.4m (equates to 4% deficit) in net school spending.

Councilor Lacey asked about the two revenue waivers applied for by the schools and questioned the timing of submitting this measure now, since the request is for expenditure of funding in fiscal 2012. Mary Jo Livingstone confirmed that both of the waivers were denied by DOR and explained that passage of this measure (at the Mayor's suggestion) would allow for expenditure of this money for the school's general use, and can be counted towards the net school spending calculation.

Councilor O'Connor believes that maintaining the \$550k within the confines of the schools is appropriate and now is the time to make sure that SPED money is assessible. He is disappointed that the funding was earmarked originally because the state did not come through.

Councilor DiFazio requested that the school department advise the Council as to the expenditure of this funding.

Councilor Lacey expressed his concern with the wording of the measure, citing that 002 accounts are specific to schools. It was noted that a favorable vote on this measure lifts the restriction for use of funding by the schools in general nature for flexibility.

Councilor Lacey offered a substitute motion to table this measure, pending further information, to the next Town Council Meeting, motion seconded by Councilor Pap.

It was requested of the school officials if it is detrimental to postpone a vote on this measure. They noted that the school budget is being presented for a public hearing on February 17 at 7:30 PM.

Substitute motion passes unanimous favorable action.

Councilor DiFazio requested that Councilors attend the Budget/Management Committee Meeting which has been scheduled prior to Town Council on Monday. Additionally he asked that Councilors submit their questions as related to this subject to him in preparation for the committee meeting.

11 004-Community Preservation Committee-Abigail Adams House

Councilor DiFazio noted that this measure was referred on January 18, and the committee met on January 31 and voted unanimous favorable action—Councilor Molisse recused himself from a vote.

Councilor DiFazio stated that on behalf of the Budget/Management Committee he motions for favorable action for approval of the reappropriation of \$90,000 from the FY11 Community Preservation Fund for repairs to the Abigail Adams House.

Motion seconded by Councilor O'Connor and voted unanimously.

11 005-Reappropriation Capital Projects

Councilor DiFazio noted that this measure was referred on January 18, and the committee met on January 31 and voted unanimous favorable action.

Councilor DiFazio stated that on behalf of the Budget/Management Committee he motions for favorable action for approval of the reappropriation of \$435,303.14 to line item 34162000 from fund 3119.

Motion seconded by Councilor O'Connor and voted unanimously.

11 006-Appointment to the Cemetery Commission-Michael Crowley

President Mathews noted Mr. Crowley's appearance at the meeting, but due to the hour had to leave. He apologized for any inconvenience to Mr. Crowley and his family.

Councilor DiFazio motioned for favorable action on behalf of the Budget/Management Committee for appointment to the Cemetery Commission of Michael Crowley, motion seconded by Councilor O'Connor and voted unanimously.

At 8:55 PM, with no further business to attend to, Councilor O'Connor motioned to adjourn, motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by: Diane T. Hachey

Approved by:

Council President Arthur Mathews

