

***Town Council Meeting
April 1, 2013
Town Council Chambers***

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

Not Present: Michael Molisse

Also Present: Richard Swanson, Town Auditor
Kathy Deree, Town Clerk
George Lane, Town Solicitor
William McKinney, Chief Financial Officer
Michael Gallagher, Director of Administrative & Community Services
Chief Grimes, Police Department

Recording Secretary: Diane Hachey

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

Following the Pledge of Allegiance, Kathy Deree conducted roll call with Councilor Molisse not present. President Mathews noted that Councilor Molisse had contacted him to inform him that he is unable to attend this evening.

Announcements:

Councilor Harrington announced that "Community Clean up Day" is scheduled for **Saturday, April 27th from 9-12** at the amphitheater. All interested parties are asked to register at the Mayor's Office at 781-340-5012 by April 24th.

Councilor Conlon announced that he will be holding office hours on **Tuesday, April 2nd, from 10-11 am** in the third floor conference room at Town Hall.

Council President Mathews announced that on **Saturday, April 6th the annual "Herring Run Clean up"** will be held, additionally on **April 6th is "Hazardous Waste Day" from 9-1** at the Department of Public Works, located on Winter Street.

Council President Mathews noted the passing of Peg Goudy, former town meeting member, selectwoman and councilwoman. Ms. Goudy was a very active member and contributor to the Town of Weymouth. He asked that all join him in a moment of silence.

Community Development Block Grant Update/Proclamation

-James Clarke/Director of Planning and Community Development

-Kate Marshall/Community Development Planner

Mr. Clarke presented that the National Community Development Association has designated the week of April 1st as “National Community Development Week.” The goal is to focus on the benefits of the Community Development Block Grant Program and the HOME Investment Partnerships Program.

The town receives funding for both of these programs and due to the state of the economy, funding has been decreased for fiscal year 2014 by 5% (\$630,154 for CDBG and \$138,691 for HOME). Past funding decreases were realized as follows: Fiscal year 2011 \$895,658 for CDBG and \$218,118 for the HOME program. This equates to a 30% reduction to CDBG and 36% to the HOME program.

Resultant from these cuts, many programs have been eliminated: subsidized child care, “Meals on Wheels”, scholarships for recreation programs. GED prep courses, mental illness counseling services, and weatherization programs.

CDBG funds were allocated to the following: Father Bill’s, WeyCare, Elder Services, Housing Authority, DPW, schools, libraries and the ARC.

Council President Mathews noted his attendance at a recent Conservation Meeting on the Seach School project which shows the town’s commitment to development efforts.

Councilor O’Connor read a proclamation, announcing that the week of April 1st has been designated as “National Community Development Week.”

RESIDENT AND COMMUNITY COMMENT

Fiscal Year 2014 School Budget/Budget Process

Gus Perez of 16 Hewett Road

Mr. Perez noted that last year he advocated for additional funding for athletics, but the situation has evolved into advocating for meeting mandated funding for the schools. The Mayor has submitted a budget below level funding, which does not meet mandated DOSE net school spending for the 6th year in a row. The town of Weymouth is in the cellar as compared to 350 local communities. He requests the Council influence the Mayor that her budget does not support the schools. Chapter 70 originated resultant from towns not expending sufficient funds for schools, therefore they stepped in. Mr. Perez stated that the Mayor’s proposed budget is not fiscally responsible in that it adds to the NSS deficit and doesn’t allow schools to properly

fund their needs. He confirmed that the Town Council is only able to reduce the budget, can't add to it, and that the Town of Weymouth has the weakest Town Council/Mayoral form of government.

Mr. Perez takes exception to those who state that the NSS formula calculations are unfair as related to retirement, noting that many communities have successfully met NSS.

He believes great strides were made last year and was hoping it would be continued this year, and requests that the Town Council convince the Mayor that her proposed school budget is a disservice to the schools.

Public Hearings

7:35 PM-13027 Local Options Meals Excise

Councilor O'Connor motioned to open the public hearing, which was published on March 22, motion seconded by Councilor Smart and voted unanimously.

Mayor Kay presented that she never saw herself submitting a meals tax measure as she doesn't want to burden the community. The situation has changed and she noted that many surrounding communities have adopted the tax since 2009 (Quincy, Hingham, Abington and shortly Braintree). Implementation of this measure would realize \$500k in recurring revenue. The majority of complaints to the Mayor's Office revolve around the state of the town's playing fields, therefore she plans on applying the tax to aid in funding the maintenance of the fields. As part of this allocation, she intends on adding a Parks Superintendant to oversee the effort.

Her office conducted research with local eateries to cite the impact of a .75% meals tax, and she gave examples of different fares purchased at local restaurants and the minimal impact on the overall bill. The Mayor further confirmed that restaurant owners do not foresee major impacts to their business. In fiscal year 2011 in excess of \$60m and in fiscal year 2012 \$82m in meals tax funding was distributed by the state and unfortunately the Town of Weymouth did not receive any benefit from this funding.

Mayor Kay reviewed the logistics and noted that the funding received from the state on the meals tax would be deposited to the general fund and be budgeted under the auspices of the Department of Public Works. The Council would approve this increase during the budget review process.

Councilor Hackett requested a point of information and noted rule number 27- The Role of Councilors During the Public Hearings Process." She inquired if Councilors can state their opinions at this time. Council President Mathews would like to hear from the public first, he further noted that this measure will not be voted this evening, as the Budget/Management Committee did not vote.

Councilor Harrington inquired if the funds would be earmarked for field maintenance and stated that he would be more comfortable with earmarking by ordinance.

The Mayor noted that is her intention. The resultant meals tax would be deposited to the general fund and allocated to the DPW budget, which would avoid everyday legislative approval of appropriations.

Councilor Hackett reviewed the collection process noting that the businesses would collect the entire 7% meals tax, forward to the state, who in turn channels back to the town the .75%.

Council President Mathews asked for comments from the public, to which the following residents spoke:

Ben Shea, 37 Heritage Lane

Stated that the financial impact is minimal, 163 of 351 communities have adopted the meals tax, and he can't envision why we would turn away ½ million potential in revenue, he is a strong advocate for passing the meals tax.

Rick Coughlin, 30 Veronica Lane

He is opposed because he doesn't trust government to do what they say. He noted the increase in real estate taxes, state meals tax and gasoline tax, and is apprehensive that at every government level promises are made and not kept. He questions at what point does it end, and advocates for not implementing the tax.

Donna Shea, Heritage Lane

She notes many departments in town with shortcomings: libraries, schools, DPW, Fire and Police. This is our first opportunity to meet expenses and feels it should be passed.

Robert Thomas, 848 Washington Street

He read an excerpt from the Weymouth News on the meals tax. He stated that this should be called the "pie in the sky" tax as the fields haven't yet been built and there is no cohesive plan. He noted the purchase of the Emery Estate and funding used for consultants. He feels there is no end to taxation and is not in favor of implementation.

Irving Murstein, 463 Broad Street

Spoke to his dismay in the recent increase in state meals tax, and feels that the restaurants need the funding and is opposed.

Steve Reilly, 107 Old Country Way

Noted that the Recreation Commission recently unanimously voted in support of the meals tax, citing the needed revenue potential for maintenance of town fields. He distributed information to the Council from the City of Quincy which highlights the 1.7 million dollars they utilize to maintain their parks and fields. No one wants to pay additional taxes, but it is needed, he is strongly in support of this issue.

Gus Perez of 16 Hewett Road

Speaking as the President of WABA, this is a local issue and based on projected revenue. The town stands to gain \$500k per year, which is minimal and transparent. Boston has had this tax for years and most people probably don't notice. He requests that for any Councilor who votes against the tax implementation, that they state their alternatives to bringing in ½ million dollars. Mr. Perez further requested that the money not be deposited to the general fund, but segregated so the Council can exercise control over spending.

Mayor Kay stated that there are safeguards in place, should the money need to be used for alternate purposes, the Town Council's approved would be needed under those circumstances.

Jane Latus, Candia Street

Advocates for more funding towards public safety personnel, citing several house fires in town. She mentions the effect the recession is having on people and wants everyone to look at the big picture, she is not in favor of tax implementation.

Karen Johnston, 35 Clarendon Street

She announced the user fees she expends on her children and feels the meal's tax is a "no brainer" and is in favor.

Becky Haugh, 34 Evans Street

Spoke in favor of the meals tax, and cited that many commuters from other towns frequent Weymouth eateries and they would bring income to our town.

George Berg, 74 Summer Street

This is not a tax but would like to call it a "convenience/usage fee". He feels our taxes are low so our services are low, and doesn't feel that people will go out of town to avoid a nominal tax. Our fields, once refurbished, will generate much needed town revenue, through rental and he cites the scenario that potential addition of police, fire, DPW personnel and equipment could be purchased. He asked for the Council's support of the meals tax.

Janelle Quinn, 29 Tamarack Trail

Is in favor, and cited that if the town had instituted the meals tax effective in 2009, would have realized \$1.7M. She is a proponent of putting into place and earmarking for field maintenance.

Robert Thomas, 525 Washington Street

Questions the addition of a supervisory position in the DPW. The town is in need of additional personnel and new equipment because we don't maintain our current equipment. He is suspect of what will be accomplished, believes the town needs to have a solid plan and be run like a business.

Kristen Dunn, 56 Holbrook Road

She has resided in Weymouth for four years, relocating from California, which had an 8.25% tax. She believes that if one votes no to this proposal simply on principle, then we are losing out.

Councilor Burke believes the town is in need of additional revenue and confirms that the fields are in deplorable condition.

Councilor Lacey suggested that a special purpose stabilization fund can be established to track the monies inherent from the meals tax.

Councilor Smart conferred with Councilor Lacey on the SPSF establishment. Mayor Kay is not in favor of this as the funds would be deposited to the general fund and would be allocated, via the budget process, to the Department of Public Works. This avoids the need to request each measure through the Council. She assured the Council that the funding would be applied to maintenance of fields.

Councilor Lacey said it is not a matter of trusting the Mayor, he would like to establish a process for the benefit of future Mayors. The Council is doing its job, which is to ensure that checks and balances are implemented to the process.

Council President Mathews reviewed the procedure as related to the meals tax measure. The public was heard this evening, Budget/Management will reconvene to further deliberate, and his intention is that the Town Council will vote on the measure at the April 16th meeting. He encouraged the public to contact the Town Council Office or their Councilor with further comments.

Jane Latus, Candia Street

She questioned the collection process, and what if any costs are inherent.

Mr. McKinney clarified that, following the Council's approval, the Town Clerk notifies the Department of Labor, the Board of Licensing Commissioners gathers a list of establishments and the DOL contacts them to implement collection procedures. The effected establishments forward the tax to the DOL, who in turn, return proceeds to the town.

Councilor Hackett asked for a point of information in that the measure before the Council simply states acceptance of MGL as related to the meals tax. Earmarking of funds is not included. The Mayor concurs and it was requested of Attorney Lane to investigate the possibility of verbiage added to that effect.

Councilor Lacey cautioned the Council that the measure was advertised as presented and amending the language could be problematic.

At 9:33 PM a motion to close the public hearing was made by Councilor O'Connor, seconded by Councilor Smart and voted unanimously.

7:40 PM 13 031-Free Cash-Police Department Replacement Vehicle

Councilor O'Connor motioned to open the public hearing, which was published on March 22, motion seconded by Councilor Smart and voted unanimously.

Chief Grimes presented that a police vehicle was totaled during a police call. Put amount here
The insurance company will reimburse in the amount of \$27,379. It was confirmed that Police personnel went unscathed in the pursuit.

Council President Mathews asked for any comments from the public, to which there was no response.

Motion made by Councilor O'Connor to close the public hearing, seconded by Councilor Smart and voted unanimously.

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

13 034-Free Cash-School Department Building Maintenance

Mr. McKinney requests, on behalf of the Mayor, that the town raise and appropriate \$200,000 from free cash to fund the costs needed for school building maintenance.

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

13 035-Reserve Fund Transfer-Library Repairs

Mr. McKinney requests, on behalf of the Mayor, that the town transfer \$2,000 from the reserve fund to the building maintenance line item for funding costs associated with repairs at the Tufts Library.

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

13 036-Free Cash-Special Purpose Stabilization Fund

Mr. McKinney requests, on behalf of the Mayor, to raise and appropriate the sum of \$93,670 from free cash for transfer to the special purpose stabilization fund-capital projects.

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

Mr. McKinney bundled the following measures, citing they are all reappointments:

13 037-Reappointment-Memorial Committee-Joan Anderson

13 038-Reappointment-Board of Elder Services-William Begley

13 039-Reappointment-Waterfront Committee-Keith Claud

13 040-Reappointment-Waterfront Committee-Herb Clifford

13 041-Reappointment –Board of Health-Maureen DelPrete

13 042-Reappointment-Zoning Board of Appeals-Kemal Denizkurt

13 043-Reappointment-Commission on Disabilities-Ron Evans

13 044-Reappointment-Conservation Commission-George Loring

13 045-Reappointment-Housing Authority-Helen Maloney

13 046-Reappointment-Waterfront Committee-George Mutch

13 047-Reappointment-Board of Library Trustees-Patricia O’Leary

13 048-Reappointment-Community Events Committee-Ron Rizzo

13 049-Reappointment-Historical Commission-Cathy Torrey

13 050-Reappointment-Cemetery Commission-Michael Crowley

13 051-Reappointment-Cultural Council-Sandra Peters

13 052-Reappointment-Cultural Council-Sarah Rogers

13 053-Reappointment-Zoning Board of Appeals-Robert Stevens (Associate Member)

Councilor O’Connor bundled the aforementioned measures (13 037 through 13 053) and motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

Reports of Committees

Ordinance Committee-Chairman Michael Smart

13 019-Street Acceptance-Tanner Terrace

13 020-Street Acceptance-Fredith Road

13 021-Street Acceptance-Echo Avenue

13 022-Street Acceptance-Duncan Circle

13 023-Street Acceptance-Okala Road

13 024-Street Acceptance-Paris Street

13 025-Street Acceptance-Joan Terrace

Chairman Smart read each above measure number/street name and noted that each was referred to the Ordinance Committee on February 19, 2013 and a public hearing was held on March 18, 2013. The Ordinance Committee voted unanimous favorable action to accept each street layout and refer to the Planning Board for their report.

Chairman Smart noted that at the public hearing an issue on Joan Terrace was brought to light regarding the condition of a rock wall. Chip Fontaine confirmed that said wall will be repaired.

Chairman Smart motioned for favorable action on the street layout for each street, motion seconded by Councilor O'Connor and voted unanimously.

Chairman Smart motioned for favorable action for referral of each street to the Planning Board, for its report, due back to Council in 45 days, motion seconded by Councilor O'Connor and voted unanimously.

Budget/Management Committee-Chairman Kenneth DiFazio

13 028-Reserve Fund Transfer-Town Clerk for Senate Special Election

Chairman DiFazio noted that this measure was referred on March 4, the committee met earlier this evening and voted unanimous favorable action. On behalf of the Budget/Management Committee he motioned for favorable action on measure number 13 028, motion seconded by Councilor O'Connor and voted unanimously.

13 029-Appointment to the Commission on Disabilities-Henry Goldman

Chairman DiFazio noted that this measure was referred on March 4, the committee met earlier this evening, and although Mr. Goldman wasn't present, voted unanimous favorable action.

On behalf of the Budget/Management Committee he motioned for favorable action on measure number 13 029, motion seconded by Councilor O'Connor and voted unanimously.

13 031-Free Cash-Police Department Replacement Vehicle

Chairman DiFazio noted that this measure was referred on March 18, and the public hearing was held tonight. The committee met earlier this evening and voted unanimous favorable action.

On behalf of the Budget/Management Committee he motioned for favorable action on measure number 13 031, motion seconded by Councilor O'Connor and voted unanimously.

13 032-Reserve Fund Transfer-Auto/Property/Liability Insurance

Chairman DiFazio noted that this was referred on March 18, the committee met earlier this evening and voted unanimous favorable action. On behalf of the Budget/Management Committee he motioned for favorable action on measure number 13 032, motion seconded by Councilor O'Connor and voted unanimously.

13 027-Local Options Meals Excise

Chairman DiFazio stated that this measure was referred on March 4th, the committee deliberated tonight and will continue to another meeting.

With no further business to attend to, Councilor O'Connor motioned to adjourn at 9:50 PM, noting that the next Town Council Meeting will be held on April 16th, motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by: Diane T. Hachey

Approved by:

Council President Arthur Mathews