

**SPECIAL TOWN COUNCIL MEETING  
TOWN HALL-COUNCIL CHAMBERS  
11 APRIL 2011**

Present: Arthur Mathews, President  
Robert Conlon  
Ed Harrington  
Thomas J. Lacey  
Brian McDonald  
Patrick O'Connor  
Victor Pap III  
Michael Smart

Not Present: Kenneth DiFazio  
Michael Molisse  
Kevin Whitaker

Also Present: Mayor Susan Kay  
William McKinney, Chief Financial Officer  
Michael Gallagher, Director of Administrative and Community Svcs.  
Franklin Fryer, Town Clerk  
George Lane, Town Solicitor  
Michael Curran, Attorney  
Mary Jo Livingstone, Superintendent of Schools  
Charter Review Committee Members

Recording Secretary: Diane T. Hachey

Council President Mathews called the 11 April 2011 Town Council meeting to order at 7:30 P.M. Town Clerk Fryer called roll with Councilors DiFazio, Molisse and Whitaker not present.

Council President Mathews noted that Councilors DiFazio and Molisse are out of town, and Councilor Whitaker had a prior engagement and would be unable to attend this evening.

**ANNOUNCEMENTS**

Councilor Pap announced that on Friday, 22 April 2011 from 9-2, the Wessagussett School will hold a "School Clean-Up Day". He encouraged all to attend.

**PUBLIC HEARINGS**

**7:35PM-11 020 NATIONAL GRID UTILITY PETITION FOR SPORTSMENS' WAY**

Councilor O'Connor motioned to open the public hearing on the aforementioned utility petition, and noted that the abutters were notified on 24 March 2011, motion seconded by Councilor Smart and voted unanimously.

Steve Breton, representing National Grid, approached the Council and noted that they are requesting that pole #2 is relocated as it currently stands in the middle of an entrance to a new road (Justine Drive- which is a private way).

Council President Mathews asked if anyone from the public wished to speak, to which he received no response.

Councilor Lacey requested that Mr. Breton communicate to National Grid to be cognizant of the neighbors in terms of safety and cleanup. Mr. Breton agreed to do so.

Councilor O'Connor motioned to close the public hearing on measure number 11 020, motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned to consider measure number 11 020 under 2-9(b), motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned for favorable action on measure number 11 020, motion seconded by Councilor Smart and voted unanimously.

**7:36 PM 11 021-NATIONAL GRID UTILITY PETITION FOR MYRTLE STREET**

Councilor O'Connor motioned to open the public hearing on the aforementioned utility petition, and noted that the abutters were notified on 24 March 2011, motion seconded by Councilor Smart and voted unanimously.

Steve Breton, representing National Grid, approached the Council and noted that they are requesting replacement of pole # 5, which is located in the center of a driveway. This pole was installed several years ago and is in dire need of replacement. This is being done as a result of a request from the resident at 38 School Street, who requested that the pole be relocated to the property line.

Council President Mathews noted that several abutters, who were notified by the Council Office, called with questions. He pointed out that he corresponded with Hernan Yepaz (National Grid) advising him of this and asked that National Grid reach out to the constituents in order that their concerns are properly addressed. Mr. Breton was unaware if this request had been met.

Council President Mathews asked if anyone from the public wished to speak, to which the following residents spoke:

-**Susan V. Donald of 30 School Street** is very much in favor of relocating the pole, they have requested this on numerous occasions.

-**Ken Korzeniowski of 38 School Street** spoke in support of Ms. Donald, who spoke previously

-**Mary Zmiejko of 38 School Street** confirmed that the markings began today and is also in favor of the pole relocation

Councilor O'Connor motioned to close the public hearing on measure number 11 021, motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned to consider measure number 11 021 under 2-9(b), motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned for favorable action on measure number 11 021, motion seconded by Councilor Smart and voted unanimously.

**7:37 PM 10 106 CHARTER REVIEW COMMITTEE PROPOSED AMENDMENTS**

Councilor O'Connor motioned to open the public hearing on measure number 10 106, and noted that the publication date was 1 April 2011, motion seconded by Councilor Smart and voted unanimously.

Barbara Deacon (Chair of the Charter Review Committee) in conjunction with Michael Gallagher delivered a power point presentation (attached) based on the previously submitted document entitled "Overview of the Recommendations for Changes to the Weymouth Home Rule Charter". Highlights of which are as follows:

- committee was established on August 17, 2009 and met through January 11, 2011-holding a total of 18 meetings
- committee composition was as follows: Barbara Deacon (chair), Sandra Williams (Vice Chair), John Reilly (Secretary), Claire Cunningham, Michael Gallagher, Sean Guilfoyle, Arthur Mathews, Michael Smart and James Wilson
- the charge of the committee, pursuant to section 8-5 of the Charter, was to complete an in depth review and bring forward recommendations detailing possible changes, in the form of a report
- suggestions were solicited from the public, elected and appointed officials, and town administration
- legal guidance was obtained from George Lane, Town Solicitor, and Attorney Michael Curran as needed
- through the committee's deliberations it was consistently apparent that changing to our current form of government was positive for the functioning of the town
- the recommendations are classified into two categories: substantive changes and housekeeping/scribner changes-the substantive changes would warrant an individual ballot question, while the housekeeping/scribner changes would be bundled together

**Substantive recommended changes were as follows:**

- Article 1-Definitions- were amended or added to for "charter, computation of time and voters"

·Article 2-Legislative Branch, adds clarifying language to section 2-8 regarding electing by vote of the council

Section 2-11 adds a clarifying timeline to the Councilor- at- Large term

·Article 3 adds clarifying information to the appointment of town officers

Section 3-6 adds a clarifying timeline to communications to the Town Council

Section 3-8 adds detail regarding conditions to be met during absence of the Mayor

·Article 4 adds language restricting the Mayor from holding a Chair position

Section 4-2 adds detail regarding the timing of the organization of the school committee

Section 4-4 adds clarification to compensation of members of the school committee

·Article 5 recommends language to be added for clarity as related to the Administrative Organization

·Section 8-5 adds language which allows for a charter review prior to the previously specified timeframe

·Section 8-10 suggests adding language regarding oaths of office for Council and School Committee

·Section 8-14 adds clarification to the publication date of the annual report

Housekeeping/scribner changes were cited throughout the document as grammatical errors and were not reviewed in detail at this time

·Committee advocates the following three as the most important changes:

·Article 3, Section 3-1 and Article 4, Section 4-3 recommended changes to language regarding leave of absence for a town employee in order to serve as Mayor or School Committee member

·Section 6-2 generated the most discussion and adds language to the timeline for submittal of the school committee budget

·Section 8-5 suggests that the Charter may be reviewed at any time

President Mathews asked for comments from the Councilors. Councilor Lacey thanked Ms. Deacon for an informative and easy-to-follow format and asked the manner in which the changes would be included on the ballot as related to the three most important of which the committee is advocating.

President Mathews noted that the Town Council Ordinance Committee has previously met and will meet again, following this public hearing, to recommend all or part of the Charter Review Committee's recommendations. Subsequently, the Town Council will vote, followed by submittal to the Mayor, with final say given to the voters.

Councilor Conlon does not agree with the recommendations to Article 3, Section 3 which prohibits a leave of absence from a town position for an individual to hold a Mayoral or School Committee position. He believes that the formidable background of these individuals would be of utmost benefit to their elected position.

Comments from the public were as follows:

Anne Hilbert of 45 Doris Drive feels that a Charter Review Commission should be established and that the Charter Review Committee doesn't have the right to make substantive changes, most especially to recommend that the charter can be reviewed more often than 10 years. She also opined that not all parties agree that a strong Mayoral form of government is working, and that Councilors did not attend the Charter Review Meetings.

Robert Montgomery Thomas of 848 Washington Street noted that he attended the majority of the meetings and that he applied to the committee, but was not appointed. He believes the committee made the process cumbersome and that they should simply make non-substantive changes and make the document appear cleaner. He alluded to the Council not meeting the mandatory submittal timelines and doesn't agree with Councilor Conlon's point regarding leave of absence. He reformatted all changes, developed a table of contents, re-did all indexing and made corrections in red and will submit the document so all Councilors may review. He noted that he has prepared a power point presentation of the newly revised document, President Mathews asked that he submit his documentation and the Council will take under advisement.

Councilor Smart clarified that the Charter Review Committee selected appointees were carefully deliberated and Ms. Cunningham and Ms. Williams were selected. He further noted that Mr. Thomas had previously submitted his revised document to the Charter Review Committee who spent much time reviewing the detail.

Council President Mathews requested that Attorneys Lane and Curran speak to the timing of the document submittal, as alluded to by Mr. Thomas. Mr. Curran stated that the Town Council and Charter Review Committee acted appropriately within the timelines as dictated by the Charter. (Councilor Conlon leaves here at 8:55 PM)

Anne Hilbert noted that the intent of the charter was never mentioned nor taken into consideration, as an active member of the Charter Review Commission she claims that they never envisioned 37 changes to the document.

Council President Mathews notes that these are only recommendations from the committee and one cannot assume that they will all, in their entirety, be included on the ballot. Our intent is to hear from the public, prior to the Ordinance Committee making their recommendations.

Councilor Smart noted that the Charter Review Committee always took the intent into consideration, and was very cognizant of this during all deliberations. He reiterated that nothing

has been decided, the public comments will be considered during the Ordinance Committee's review.

Councilor Pap applauded the work of the Charter Review Committee and the Ordinance Committee chair who reached out to all Councilors in solicitation of their feedback.

Council President Mathews announced that all suggestions received this evening will be taken under advisement and that the process going forward is that the Ordinance Review Committee will deliberate, submit its recommendations to the Council, who will then vote, at which time the Mayor and Council will need to come to a consensus on the suggested changes. The Secretary of State and Attorney General will weigh in, followed by the final approval by the voters in the fall election.

Councilor O'Connor motioned to close the public hearing on measure number 10 106, motion seconded by Councilor Smart and voted unanimously.

### ADJOURNMENT

At 9:20 PM Councilor O'Connor motioned to adjourn, noting that the next Town Council Meeting will be held on Tuesday 19 April, due to the Patriots' Day holiday, motion seconded by Councilor Smart and voted unanimously.

Respectfully submitted by Diane T. Hachey as Recording Secretary

Approved by Town Council President Arthur Mathews