

TOWN COUNCIL MINUTES
Town Hall Council Chambers
April 16, 2013, Tuesday

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

Not Present: Robert Conlon, Councilor

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

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, the Town Clerk called the roll, with one member absent. President Mathews reported he spoke with Councilor Conlon who was not present due to a family commitment.

ANNOUNCEMENTS

President Mathews requested a moment of silence to reflect on the tragedy at the Boston Marathon on Monday; he noted the Council's thoughts and prayers are with the families of the victims. A moment of silence was observed.

Council President Mathews announced that the Mayor has submitted her proposed budget to the Town Clerk's office. The Council will receive copies on April 17, 2013. Since the Council does not meet again until May 6, 2013, a Special Town Council meeting will be called for April 22, 2013, at which time the Mayor will present her budget. All measures in the proposed budget will be referred at that meeting.

Council President Mathews announced that the Annual Town Meeting will be held at the Abigail Adams Auditorium of the Adams Middle School on Monday, May 13, 2013 at 7:00 PM.

MINUTES

Ordinance Committee Meeting minutes March 4, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Ordinance Committee meeting of March 4, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Town Council Meeting minutes March 4, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council meeting of March 4, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Education Committee Meeting minutes March 18, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Education Committee meeting of March 18, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Public Works Committee Meeting minutes March 18, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Public Works Committee meeting of March 18, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Town Council Meeting minutes March 18, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council meeting of March 18, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

PUBLIC HEARINGS

13 034-Free Cash-School Department Building Maintenance

A motion was made by Vice President O'Connor to OPEN the Public Hearing on measure 13 034-Free Cash-School Department Building Maintenance and was seconded by Councilor Smart. This was published on April 6, 2013. UNANIMOUSLY VOTED, 10/0.

Chief Financial Officer William McKinney presented the measure with Dr. Kenneth Salim, Superintendent of Schools. He also noted that Tom Slattery was unavailable but had reviewed the measure thoroughly in a presentation at the last Budget/Management Committee meeting. The \$200,000 requests include repairs to the following:

- WHS- hot water boiler
- WHS- hot water tank and boiler
- Remove and replace boilers
- Labor to remove and replace boilers – negotiated with HO Smith by Tom Slattery
- Johnson- boiler removal and replacement

Councilor Hackett noted that negotiations by Tom Slattery realized a significant savings to the town of \$163,000.

Councilor Burke asked if the \$200,000 from free cash counts towards Net School Spending. CFO McKinney responded yes.

A motion was made by Vice President O'Connor to CLOSE the public hearing on measure 13 034-Free Cash-School Department Building Maintenance and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 036-Free Cash-Special Purpose Stabilization Fund

A motion was made by Vice President O'Connor to OPEN the public hearing on measure 13 036-Free Cash-Special Purpose Stabilization Fund and was seconded by Councilor Smart. This was published on April 6, 2013. UNANIMOUSLY VOTED, 10/0.

CFO McKinney reported the town has received three payments from LNR totaling \$93,670. This measure is authorize deposit of the funds to the Special Purpose Stabilization Fund as quickly as possible.

Councilor Hackett asked if the payments came in during the current fiscal year. CFO McKinney responded yes. Councilor Hackett asked for confirmation that the funds are not included in the current year's free cash. CFO McKinney responded no. Councilor Hackett asked if these funds are essentially being borrowed

from the current free cash balance for deposit to the SPSF more quickly, rather than waiting for them to fall to free cash in July. CFO McKinney responded yes.

Councilor Harrington asked if there was a reason to move it as quickly as possible. CFO McKinney responded that this measure was put forth at the request of the Council.

The following comments were made by the public:

Robert Montgomery Thomas, 848 Washington Street, asked for the status of the reimbursement negotiated for the education of students from Southfield. CFO McKinney responded that it has not been received yet. An invoice will be generated this month, and payment expected before the end of the fiscal year.

Kathleen Curran, 26 Babcock, asked for the current balance in the SPSF and for what current projects are proposed against this account. She asked if the money could be fronted to the school department since they have not met Net School Spending for the last five years. She also asked for the balance in the Reserve Fund. CFO McKinney noted the balance in each fund is listed on the measures to be presented later. President Mathews noted the Mayor has proposed a measure for \$510,000 to purchase vehicles for DPW with a portion of those funds. He will provide her with a copy of the measure.

Gus Perez, 16 Hewett Road, noted that the funding is being loaned from free cash. Given that this budget season will be controversial and that the town has not met Net School Spending in the last five years, and likely will not again. He suggested at the last Annual Town Meeting a moratorium on spending until the budget has been approved. He suggested any appropriation drawing down free cash, for other than mission critical items, be put on hold until after the budget process is complete.

Mayor Kay reminded the Council that the list for capital projects has been in place for several years and it includes those DPW vehicles in her proposed measure. This list was compiled as a result of mitigation, and the Special Purpose Stabilization Fund is earmarked for items from this list.

Councilor DiFazio asked for clarification (for the viewing public) of the history of the mitigation and the Special Purpose Stabilization Fund. Council President Mathews asked CFO McKinney to review. Councilor Lacey noted that the public hearing does not have anything to do with the measure for vehicles and asked that speakers keep discussion strictly to the measure.

CFO McKinney reviewed the history of the mitigation. The developer of Southfield proposed mitigation funds to the three towns burdened by development of the former Naval Air Station and those funds will be received as development goes forward. The total mitigation will be \$13 million. The Council proposed a mitigation list of capital projects for the mitigation funds. Payments are deposited to the General Fund. They can remain there and allowed to fall to free cash after the tax payment is set.

DOR allowed SPSF to be created. Sporadic payments, as received – come into the general fund. They can be left in the General Fund and allow to fall to free cash after the tax rate is set. The Council voted to establish a Special Purpose Stabilization Fund to deposit mitigation funds in an effort to ensure that the funds are used specifically for the items on the list and the Department of Revenue allowed it.

President Mathews reviewed the list with earmarked items. Documents are available to the public. This was the result of a negotiation with the previous Mayor and the Council. The public has the opportunity to speak to any money proposed for spending from the Special Purpose Stabilization Fund in the public hearing process.

Chris Primiano, 82 Ringe Street noted that the list was developed in 2005 and suggested that it's possible the mission has changed; as the town's needs have changed. He suggested the list be revisited and

retooled to meet the current town needs. President Mathews responded that this has happened; certain items that were on the list have been accomplished already such as the intersection of Middle and Washington Street, which was completed by the state and adjustments have been made to allow for inflation. Countless hours were spent discussing the list and getting a consensus was not simple.

Councilor Hackett noted the request is not for an authorization for an expenditure from the Special Purpose Stabilization Fund-- but to deposit monies and that the discussion is getting off subject.

Councilor DiFazio noted that the point was well taken. The current fund balance is \$632,000. One of the items on this list is Legion Field and they are looking to develop this in the next 12 months. He noted it is not to fund recurring items such as the Net School Spending that could put the town in financial risk.

Robert Montgomery Thomas asked again how much the town expects to get reimbursed for the education of students from Southfield and where it will be applied-General Fund or to the schools or split; and will it count towards Net School Spending. Council President Mathews responded that the Mayor has just submitted her budget; the Council has not received a copy as of yet. He hopes the Mayor will include that in her budget presentation.

Councilor Burke noted the whole discussion is out of order. The measure is regarding funds from LNR not Tri-Town.

CFO McKinney noted that the reimbursement will be \$230,000 and will be deposited to the General Fund and fall to free cash next November, at which time a measure will be presented to transfer it to the school department. He confirmed that this will not count towards Net School Spending.

Gus Perez again noted that he understands the history with the process. The funds would not technically be available until November. The measure borrows \$93,000 from Free Cash to appropriate to the Special Purpose Stabilization Fund, thereby not making it available for the FY14 budget. Again, he recommended anything that draws down free cash before the budget process is complete, be suspended.

Mayor Kay clarified. The monies that come in from LNR are earmarked; they are not to be considered to be budgetary, or used for any other purpose that what they were originally intended.

Councilor Smart reminded the Council that this is what the Council voted two years ago. This measures seeks to accomplish the process exactly the way the Council demanded it be done.

Gus Perez noted that the town is in dire straits. He reiterated his suggestion that any spending other than mission critical should wait until free cash is certified. If the money is moved now from Free Cash, it is not available now.

Councilor Lacey noted it is a timing issue. Either way the money is deposited to the stabilization fund now or it goes in November. Either way it is to avoid it being used in the operating budget, and will not change the amount-even if it falls to free cash, it must be 2/3 vote to accept and expend by the Town Council.

A motion was made by Vice President O'Connor to CLOSE the Public Hearing on measure 13 036-Free Cash-Special Purpose Stabilization Fund and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

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

13 054-Department of Public Works Line Item Transfer

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfers the sum of \$75,000 from salary line item for the purpose of funding the costs associated with Overtime-Street & Sidewalk-\$15,000, and Parks/Construction/Maintenance-\$60,000.

A MOTION was made by Vice President O'Connor to refer measure 13 054-Department of Public Works Line Item Transfer to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 055-Special Purpose Stabilization Fund-Department of Public Works Vehicles

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth raise and appropriates the sum of \$510,000 from the Special Purpose Stabilization Fund for Capital Projects for the purpose of funding the costs associated with the purchase of vehicles and equipment for the DPW.

A MOTION was made by Vice President O'Connor to refer measure 13 055-Special Purpose Stabilization Fund-Department of Public Works Vehicles to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 056-Police Department Line Item Transfer-Vehicles

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfers the sum of \$210,000 from the Police Department-Uniform Patrol to Police Department-Equipment for the purpose of funding the costs associated with the purchase of new vehicles. This measure requires a public hearing and two-thirds vote of Council.

A MOTION was made by Vice President O'Connor to refer measure 13 056-Police Department Line Item Transfer to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 057-Appointment to the Conservation Commission-Anthony Merlino

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Anthony Merlino, of 79 Hanian Drive to the Conservation Commission, for a term to expire on June 30, 2014. This is to fill a vacancy created by the resignation of Laura Harbottle.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 058-Reappointment to the Zoning Board of Appeals-Edward Foley

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Edward Foley of 54 Harding Avenue to the Zoning Board of Appeals for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 059-Reappointment to the Zoning Board of Appeals-Charles Golden

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Charles Golden of 226 Columbian Street to the Zoning Board of Appeals, for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 060-Reappointment to the Veterans Council-Robert Haley

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Robert Haley of 16 Leslie Street to the Veterans Council, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 061-Reappointment to the Historical Commission-Rodney Lundin

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Rodney Lundin of 32 Linden Place Avenue to the Historical Commission, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 062-Reappointment to the Zoning Board of Appeals-Robin Moroz

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Robin Moroz of 56 Pine Cliff Road to the Zoning Board of Appeals, for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 063-Reappointment to the Board of Elder Services-Diane Oliverio

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Diane Oliverio of 2 Argyle Court to the Board of Elder Services, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 064-Reappointment to the Board of Elder Services-Laureen Pizzi

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Laureen Pizzi of 10 Shawmut Street to the Board of Elder Services, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 065-Reappointment to the Board of Assessors-John Sheehan

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints John Sheehan of 521 Union Street to the Board of Assessors, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 066-Reappointment to the Board of Assessors-Kevin Spellman

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Kevin Spellman of 450 Pond Street to the Board of Assessors, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer this measure to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 067-Reappointment to the Construction Steering Committee-Gilbert Starkey

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth reappoints Gilbert Starkey of 73 Circuit Road to the Construction Steering Committee, for a term to expire on June 30, 2016.

REPORTS OF COMMITTEES

Budget/Management Committee –Chairman Kenneth DiFazio

13 002-Process to Contract for Independent Audit

Councilor DiFazio reported that the committee met and asked Auditor Swanson to provide his review. Auditor Swanson presented the following:

Comparative Analysis of Proposals

He issued to each Councilor an analyses of Quantitative & Qualitative criteria on each proposal received regarding the RFP for Independent Audit Services. Four firms responded to the RFP by the deadline of April 1, 2013. All four firms responded to the RFP by the deadline of April 1, 2013. All four firms addressed the "Content to be included in the Proposal" and "Scope of Services" that was outlined in the RFP.

Cost

Two firms were eliminated from consideration as their total costs far exceeded that of the other two firms. They are Powers & Sullivan and Sullivan, Rogers & Company. Their cost respectively was \$71,000 and \$63,000 per annum.

The cost contained in Melanson Heath & Company's proposal is \$54,000 for FY13, \$55,375 for FY14 and \$56,250 for FY15. The firm of Braver, PC submitted costs of \$45,0000 for each year.

Thus, from a cost perspective, Braver is less expensive. This, in his opinion is due to the fact they have recently audited only three Massachusetts Local Governments and would like to obtain the Weymouth contract by underpricing the work.

Quantitative Factors

The firm of Melanson Heath & Company (Weymouth auditors for FY12, FY11, and FY10) have 100+ Massachusetts Local Governments under contract and are well known and respected for their outstanding services. The firm of Braver listed only three Massachusetts Local Governments audited. Melanson Heath & Company has a separate Governmental Services department with 50 staff that specialize in Government Auditing.

The firm of MH & Company has worked well over the past three years with both Mr. Swanson and town administration. and have issued timely audit reports. The firm has a solid understanding of the Town's accounting systems and internal controls. Mr. Frank Biron and Erica Lussier will head up the audit team.

The firm has undergone rigorous peer reviews that resulted in the highest level of rating. The firm employs applications that allow them to organize and track all audit data in an electronic (i.e. paperless) environment. Officers will review all work paper files, financial statements and content of the Management Letter. Their Quality Control Officer reviews and approves all reports prior to issuance.

Based on the above factors, Mr. Swanson recommends retainment of Melanson, Health and Company.

Auditor Swanson's presentation included a spreadsheet analysis of the proposals.

Councilor DiFazio reported that this measure was referred to the committee on January 21, 2013 and continued to February 4, 2013. The committee met on February 19, 2013. On April 9, 2013 the committee voted to forward to the full Town Council with a unanimous recommendation for favorable action to award a contract to Melanson Heath and Company.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio, that the Town of Weymouth appoint Melanson Heath & Company for a three –year contract at a cost of \$54,000 for Fiscal Year 13, \$55,375 for Fiscal Year 14 and \$56,250 for Fiscal Year 15; motion was seconded by Vice President O'Connor. Councilor Smart requested that the town consider aggressively pursuing other firms at the conclusion of the contract term. His personal opinion is that six years is long enough to retain a single firm for external audit of the administration's finances. UNANIMOUSLY VOTED, 10/0.

13 027-Local Options Meals Excise Tax

Councilor DiFazio reported that this measure was referred to the committee March 4, 2013. The committee met on April 9, 2013 and voted to forward the measure to the full Town Council with a recommendation for favorable action by a 3/2 vote. A Public Hearing was held on April 9, 2013.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio that the Town of Weymouth accepts MGL Chapter 64L, Section 2-A to impose a local meals excise, and was seconded by Councilor Smart.

Vice President O'Connor noted he has spoken to this measure and although he understands why it was proposed by the administration, and he has discussed it at length with the Mayor, he will not support a measure that imposes a tax on residents and those who would travel to the town's restaurants. It is not a debate about fields, as Councilor Hackett pointed out during the public hearing. It will have a minimal impact, but it will have an impact. The sales tax, gas tax, 2% payroll deduction removed at federal level and now .75% meals tax are all not large, but combined they become so. Without taking a stand against government operation, it will continue. He has heard and proposed revenue streams that do not impose a tax on residents, such as fire-based ambulance service. This effort would have required an initial investment, but if that had been acted upon the town would now be reaping the benefit. He has also proposed a consolidation of school and DPW maintenance staff and will propose a measure for a pilot program to capture enterprise funds from the sale of water/ sewer services to Southfield. In addition, the town needs reliable support from the state. In the worst recession in recent history and the only state assistance being offered is in the form of taxes: Community Preservation, hotel and now meal taxes. There is a failure to think outside the box and the state has failed in its support by underfunding the Community Preservation fund. The town needs revenue sources, not band aid approaches.

Councilor Harrington reported that retired employee benefits, funds needed for additional police and fire, the Net School Spending deficit, the need for funds to maintain fields and streets-- is roughly \$19 million per year. The need to do more costs more and an increase in the property tax is the only way. The town enjoys the lowest tax base in eastern Massachusetts and the residents of the town are not overly burdened. For the sake of the children, he will support the measure.

Councilor Molisse noted he is not in favor of this measure; he applauded the Mayor for bringing it forward. He will not support any tax; it is not a parks issue and he noted that there is nothing in the measure that says it will go to parks; it will be deposited to the General Fund.

Councilor Burke noted he supports the measure. He hears a lot of what the town needs, wants and should have. They can't continue and expect the federal government to support them. He has not heard any negative feedback from restaurants he has visited. Local civic organizations agree. It will not cause a ripple. It doesn't require any action; the infrastructure is already in place to reap the benefits. The state does the collection. Taxation is the only basis the town has to support its programs. The condition of the towns programs shape the public's view of the town.

Councilor Smart noted he supports the measure. The town does not have a spending problem. The town has a revenue problem. The tax has the biggest impact to the town and the Mayor has stated she will earmark the funds to parks and fields, short of a crisis. The benefit is huge and the cost is pennies. The town is in need of a new revenue stream.

Councilor McDonald noted he supports the measure. It will have minimal impact to taxpayers. They have heard the conditions of the fields and this will put them in position to help. The field conditions are beginning to take a toll on property values as field conditions are an embarrassment to the town. People do not want to move to a town where the schools and the field conditions are not desirable.

Councilor DiFazio thanked the Mayor for deliberating before bringing this measure forward. It is never easy to propose an increase in taxes, particularly in an election year. The residents want the fields improved but will not support an override to Proposition 2 ½. They do want enhanced playing fields and a good education for their children. By improving fields, it will permit the town to begin charging outside groups to use them and generate further revenue. The town has the lowest tax rate of 29 presented by the town Board of Assessors; the average family's bill is \$3531. The burden is somewhat inconsequential, but the revenue will be very consequential.

Councilor Hackett noted she will support the measure. She has been an advocate for schools, fire and fields. The town can't let the opportunity pass for additional revenue sources. We are working on long term avenues for potential revenue opportunities, which will raise the bar for the town. She will not turn down the opportunity for \$500,000 in revenue because it is a tax.

Councilor Lacey does not agree that taxes are the only way out of the town's fiscal dilemma but will support the measure. Weymouth is one of the few communities that has not imposed a meals tax, which he believes is a minimal burden. He listened carefully to the debate and public hearing and will vote it on its own merit. The measure as it stands indicates the funds will be used towards parks. He cautioned his colleagues that with the current financial situation, and the Net School Spending crisis alluded to in the budget, that this could help. While they have not seen the budget, his sense is there is a crisis now with Net School Spending. He hopes it is addressed in the budget but if it is not, he would urge the administration to consider this money for it.

VOTE CARRIED 8/2 (Councilor Molisse, Vice President O'Connor- NO).

13 034-Free Cash-School Department Building Maintenance

Councilor DiFazio reported that this item was referred to the committee on April 1, 2013, 2013. The committee met on April 9, 2013 and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio, that the Town of Weymouth raise and appropriate the sum of \$200,000 from Free Cash for the purpose of funding the costs associated with School Department building maintenance and operations, and was seconded by Vice President O'Connor.

Councilor Hackett noted that through this measure the administration is doing exactly what the Council asked to be done. The Council voted establishment of the Special Purpose Stabilization Fund to provide a clearer accounting and authority of the mitigation funds. She is concerned with the timing. Councilor Lacey noted a point of order; Councilor Hackett is not addressing the measure under consideration.

Councilor DiFazio noted as a point of clarification that if all measures are frozen, this would not be going forward at this time. Councilor Lacey noted that in answer to Councilor Burke's earlier question, this measure will chip away at the Net School Spending deficit. Councilor Smart noted that Tom Slattery

brought up at the Budget/Management Committee that Weymouth High School was used as a regional shelter during two storms, and was reduced to the use of a single boiler during that time.

UNANIMOUSLY VOTED, 10/0.

13 035-Reserve Fund Transfer-Library Repairs

Councilor DiFazio reported that this item was referred to the committee on April 1, 2013, 2013. The committee met on April 9, 2013 and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio, that the Town of Weymouth transfers the sum of \$20,000 from the Reserve Fund for the purpose of funding the costs associated with Library building repairs, and was seconded by Vice President O'Connor.

UNANIMOUSLY VOTED, 10/1.

13 036-Free Cash-Special Purpose Stabilization Fund

Councilor DiFazio reported that this item was referred to the committee on April 1, 2013, 2013. The committee met on April 9, 2013 and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio, that the Town of Weymouth transfers the sum of \$93,670 from Free Cash to the Special Purpose Stabilization Fund, and was seconded by Vice President O'Connor.

Councilor Hackett noted that she is not looking to freeze appropriations from Free Cash. The administration is doing specifically what the Council requested be done with the Special Purpose Stabilization Fund; to provide a clear accounting of how it will be expended. She does not want to freeze funds or spend only on projects that address the issue of Net School Spending. It is a timing issue. By moving the funds now, it reduces the amount of Free Cash available at a time when the town is struggling to meet other needs. She is an advocate for improvements but is concerned not having seen a proposed budget.

A SUBSTITUTE MOTION was made by Councilor Hackett to postpone indefinitely a vote on measure 13 036 Free Cash-Special Purpose Stabilization Fund, under Town Council Rule 18, and was seconded by Councilor McDonald.

Councilor Smart noted he will not support the substitute motion. This was how they voted, and demanded that the list and manner to accept and expend mitigation funds. He read the list of the items that were voted, all of which were important and are still there. He recommended continuing what was started and deposit the money and continue to appropriate funds from the list of capital projects.

At the request of the Council President, there was a brief discussion while Solicitor Lane reviewed Town Council Rule 18 to postpone to a time certain or a time indefinite. He concurred with the substitute motion. There are other motions that can be entertained and this is one.

Councilor Lacey noted Councilor Smart is correct. He is not opposed to revisiting and reprioritizing the list and tweaking for capital expenditures might help. He would consider if this would address the Net School Spending deficit, but does not see the benefit of delaying the vote.

Councilor DiFazio asked if there were a state of emergency in the budget, the Council could vote to take these funds and return them to the operating budget. Councilor DiFazio thanked Councilor Hackett for entertaining the motion, but he will not support.

Vice President O'Connor doesn't see any problem with delaying a vote and if there is concern with reviewing the budget first; he is not opposed to delaying a vote. He does not see a problem with laying the matter on the table to take up at a future time, or send back to the Budget/Management Committee. He does not see that it would preclude discussion.

Solicitor Lane noted that postponing indefinitely would have a preclusive effect. Council Vice President's comment to lay it on the table might be a more flexible method of revisiting it at a later date, and Solicitor Lane suggested that might be the better way to treat the motion.

Councilor Hackett withdrew her motion to postpone indefinitely; she noted she wants to be flexible so they could raise the issue again, motion was seconded by Councilor McDonald.

Solicitor Lane noted that Town Council Rule 19 specifically addresses this issue; a majority of the Council will be needed to readdress it. President Mathews noted that if the intent is to delay the measure, an option would be to refer back to the Budget/Management Committee.

A SUBSTITUTE MOTION was made by Councilor Hackett to lay measure 13 036 (Free Cash-Special Purpose Stabilization Fund) on the table and was seconded by Councilor McDonald. Councilor Smart reiterated the reasons the SPSF was established and the precedent set. He urged the Council to remember that.

Councilor Harrington noted the discussion being had because the money might be needed for schools. He does not want to debate this each time funds are received. He suggested sticking to the protocol.

Councilor McDonald noted a vote before seeing the budget is foolhardy. The reason the SPSF was created was transparency. Councilor Lacey noted he will support the substitute motion as a courtesy to his fellow colleagues.

Councilor Burke asked a procedural question regarding taking the measure from the table at some future time. Solicitor Lane noted that if it reasonably anticipated to be discussed and deliberated, it should be included on the agenda, per the Open Meeting Law. The budget will be formally presented in a week. There was a brief discussion regarding taking up an item that was laid on the table.

A roll call VOTE was taken: Councilor Burke-Yes, Councilor DiFazio-No, Councilor Hackett-Yes, Councilor Harrington-No, Councilor Lacey-Yes, Councilor McDonald-Yes, Councilor Molisse-Yes, Councilor Smart-No, Vice President O'Connor-Yes, President Mathews-No. VOTE CARRIED 6/4.

13 037-Reappointment to the Memorial Committee-Joan Anderson

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Joan Anderson of 61 Webb Street to the Memorial Committee for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

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

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint William Begley of 5 Litchfield Road, to the Board of Elder Services

for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 039-Reappointment to the Board of Waterfront Committee-Claud Keith

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Claud Keith of 204 Pierce Road, to the Waterfront Committee for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 040-Reappointment to the Waterfront Committee-Herb Clifford

Councilor DiFazio reported that this item was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Herb Clifford of 140 North Street, to the Waterfront Committee for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 041-Reappointment to the Board of Health-Maureen DelPrete

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Maureen DelPrete of 73 Regatta Road, to the Board of Health for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

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

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Kemal Denizkurt of 33 Circuit Road, to the Zoning Board of Appeals for a term to expire on June 30, 2015 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 043-Reappointment to the Commission on Disabilities-Ron Evans

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Ron Evans of 84 Broadreach Drive, U106 to the Commission on

Disabilities for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 044-Reappointment to the Conservation Commission-George Loring

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint George Loring of 146 Pine Street, to the Conservation Commission for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 045-Reappointment to the Housing Authority-Helen Maloney

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Helen Maloney of 48 Westminster Road, to the Housing Authority for a term to expire on June 30, 2018 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 046-Reappointment to the Waterfront Committee-George Mutch

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint George Mutch of 213 North Street, to the Waterfront Committee for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 047-Reappointment to the Board of Library Trustees-Patricia O'Leary

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Patricia O'Leary of 999 Commercial Street, to the Board of Library Trustees for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 048-Reappointment to the Community Events Committee-Ron Rizzo

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Ron Rizzo of 164 Pearl Street, to the Community Events Committee for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 049-Reappointment to the Historical Commission-Cathy Torrey

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Cathy Torrey of 14 Riverbank Road, to the Historical Commission for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 050 Reappointment to the Cemetery Commission-Michael Crowley

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Michael Crowley of 12 Farragut Avenue, to the Cemetery Commission for a term to expire on June 30, 2016 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 051-Reappointment to the Cultural Council-Sandra Peters

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Sandra Peters of 57 Weybosset Street, to the Cultural Council for a term to expire on June 30, 2015 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 052-Reappointment to the Cultural Council-Sarah Rogers

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Sarah Rogers of 19 Pasteur Street, to the Cultural Council for a term to expire on June 30, 2015 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

13 053-Reappointment to the Zoning Board of Appeals-Robert Stevens as Associate Member

Councilor DiFazio reported that this measure was referred to the committee on April 1, 2013. The committee met on April 9, 2013 to deliberate and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee, and under 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to reappoint Robert Stevens of 35 Westlake Drive, to the Zoning Board of Appeals as an Associate Member for a term to expire on June 30, 2015 and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/1.

NEW BUSINESS

A MOTION was made by Vice President O'Connor to add a late agenda item-- a request for referral of a PILOT program for the sale of water to Southfield, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Vice President O'Connor provided the Council with a letter he proposes to send to Mayor Kay requesting a PILOT program at the Water Treatment facility and the sale of water. He would like to have a lengthy discussion at the Budget/Management and Public Works Committees. During the FY13 budgetary deliberations, he brought this issue up with the DPW Director. The town now has a very expensive water treatment plant. He has researched the town's ability to sell water and collect money from Southfield. Through one time collections for hookups and the continued collection for sale of water, the town has realized supplemental income to the Enterprise funds. A reasonable sum of money was left in this department's budget and turned over in the form of Free Cash. He believes the conversation has to happen at this level, and with the administration as to a future plan. There is a very limited window of opportunity. The issue might be controversial but if there is a vehicle to sell water and be able to keep water rates low to and continue to improve infrastructure via a PILOT program, it needs to be explored. Revenue can be used to hire police and fire, and whatever the DOR will allow. It could benefit the town. It's time to analyze the data and have a conversation while the opportunity exists. Both Councilors Hackett and Lacey join him in support of the need for a discussion and they have proposed a letter to the administration and he is requesting a referral to committees following the reading of the letter:

"April 17, 2013

*Mayor Susan M. Kay
Weymouth Town Hall
75 Middle Street
Weymouth, MA 02189*

Dear Mayor Kay,

We are writing to you today regarding establishing a PILOT program for the water treatment facility in South Weymouth and to have a discussion about the sale of water to Southfield.

After doing research, we believe Weymouth has a very unique opportunity to expand the sale of water to Southfield and establish a vehicle to transfer the money to the general fund. This money could then be used to help fund education, public safety, public works, and other general governmental needs.

At the Weymouth Town Council meeting of April 16, the Town Council referred this issue to both the Public Works Committee and the Budget/Management Committee. During these meetings we hope that a lengthy discussion takes place about the Town of Weymouth continuing and expanding the sale of water to Southfield. We hope that benefits will be examined, reports will be analyzed, and long term impacts will be identified.

Whether we continue or expand the sale of water to Southfield or not, we owe it to our constituents to have this discussion and not let any potential revenue generators go unexamined.

We hope that you and your administration participate in our upcoming hearings on the issue and look forward to working with you on this and many other important issues facing our community.

Sincerely,

Patrick O'Connor
Councilor at Large

Thomas J. Lacey
District Two Councilor

Jane Hackett
Councilor at Large"

A MOTION was made by Vice President O'Connor to refer this issue to the Budget/Management and Public Works Committees and was seconded by Councilor Smart.

Councilor Lacey thanked Vice President O'Connor for proposing this and thanked the Council for allowing it to be heard. He echoed Council Vice President O'Connor's comments, *"particularly around the small window of opportunity we may have or not regarding the resale of water, or not, at Southfield. We'll debate and talk about this, but this is probably the biggest viable and sustainable benefit that Weymouth has to take advantage of specific to the Southfield project, and if we don't fully analyze it and debate it, in my opinion; again, just my opinion, we are missing out on a huge opportunity, both short-term and long-term for our residents of Weymouth. Thank you, Mr. President."*

Councilor Harrington agreed; he noted upon further discussion he will form an opinion on whether it is wise to sell additional water to Southfield. He feels that there is a duty to explore any and all ideas regarding revenue enhancement and it is necessary.
UNANIMOUSLY VOTED, 10/0.

ADJOURNMENT

A Special Town Council Meeting has been scheduled for Monday, April 22, 2013. At 9:33 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 Council President Arthur Mathews