

***Town Council Meeting
May 2, 2011 at 7:30 PM
Town Council Chambers***

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

Also Present: George Lane, Town Solicitor
Frank Fryer, Town Clerk
William McKinney, Chief Financial Officer
Dan McCormack, Director of Public Health

Recording Secretary: Diane T. Hachey

President Mathews called the Town Council Meeting to order at 7:32 PM.

Following the Pledge of Allegiance, Frank Fryer conducted roll call with Councilor Whitaker not present.

Announcements:

Councilor Molisse announced that the Abigail Adams Society is hosting guest speaker Martha Coakley on May 17, 2011, beginning at 6:30 PM at Weymouth High School.

Councilor DiFazio announced that the East Weymouth Neighborhood Association is hosting its 3rd Annual Taste of Weymouth on May 4, 2011 at 6:30 PM in the gold cafeteria at Weymouth High School.

Councilor DiFazio extended his thanks to the Weymouth School Department for a wonderful memorial held this past Saturday in honor of Mary Jo Livingstone..

Councilor Pap noted that on May 15, 2011 there will be a cleanup at the "ledge" which is located on Old Wessagussett Beach in memory of Corey Ambler.

Council President Mathews announced that the Town Council/Annual Town Meeting will be held on Monday, May 16, 2011 at 7:00 PM at the Abigail Adams Auditorium. He additionally noted that the Annual Whitman's Pond Fishing Festival will be held on Sunday, May 22, 2011, beginning at 10:00 am at the Middle Street boat launch.

Minutes:

Councilor O'Connor motioned to approve the Special Town Council Meeting Minutes of April 11, 2011, motion seconded by Councilor Smart and voted unanimously.

(Councilor Whitaker enters here at 7:40 PM).

Resident and Community Comment

Interfaith Social Services-Amneties available to the public

-Bettianne Lang-Manager

Ms. Lang reports that this organization has been established since 1947 and is a private, non-sectarian---check out spelling organization which serves the needs of more than 10 south shore towns. They supply the following to those in need: distributing food to local families, instituting an "Adopt-a-Family" program, thrift shop, Home-Safe (strives to prevent homelessness), transitional housing, relief from domestic violence, fuel assistance, and a program whereby they collect and distribute clothing for interviews.

Contact information is 617-773-6203 and they are located on 105 Adams Street in Quincy.

Councilor Pap supports this worthwhile organization and encourages all, most especially seniors, to take advantage of Interfaith's services.

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

11 042-Ordinance Review Committee Recommendations

Dan McCormack, Chair of the Ordinance Review Committee presented to the Council and noted that pursuant to section 8-5 of the Charter, the Mayor chooses 5 members and the Town Council President chooses 4 members, to serve on this committee. Members appointed were: Colleen Kelley, Ed Harrington, Bob Conlon, Diane Hachey, Captain Comperchio, Chief Leary, Jeanne Savoy and Chip Fontaine.

The committee met 17 times over the course of a 6 month period and were charged with reviewing the code of ordinances, without making substantive changes, simply grammatical and structural. Mr. McCormack noted that discussion occurred regarding increases to Councilor salaries and fees, but as dictated by section 8-5, these discussions were dismissed as they were considered substantive.

The Town Clerk was provided with both hard copies indicating proposed changes, hard copy of the finalized document, in addition to a cd housing both formats. All Councilor received a cd and the proposed changes will be made available to the public on the web.

Councilor O'Connor motioned for referral of measure number 11 042 to the Ordinance Committee, motion seconded by Councilor Molisse and voted unanimously.

11 043-Town Council Recording Secretary Transfer Request

Mr. McKinney presented on behalf of the Mayor's Office and requests transfer of \$2,000 from the annual audit line item to the recording secretary line item.

Council President Mathews explained that he is requesting that \$2,000 extra in the audit line item is transferred in order to cover a shortfall in the recording secretary line item for meetings through the remainder of the fiscal year.

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

11 044-Reserve Fund Transfer-Sewer Overtime

Mr. McKinney requests the transfer of \$10,000 from the sewer enterprise reserve fund to overtime for the purpose of funding additional overtime needed.

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

11 045-Reserve Fund Transfer-Water Overtime

Mr. McKinney requests transfer of \$10,000 from the water enterprise reserve fund to overtime in order to fund additional overtime costs.

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

11 046-Reserve Fund Transfer-Water Enterprise 53rd Week

Mr. McKinney requests transfer of \$28,000 from the water enterprise reserve fund to salaries for the purpose of funding the fiscal 2011 53rd week of payroll.

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

11 047-Water Retained Earnings-Essex Street Water Tank

Mr. McKinney requests the sum of \$250,000 from the water enterprise fund for purposes of funding the costs associated with the painting/repairing of the water tank.

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

Councilor Smart requested that the DPW Director be in attendance at the Budget/Management Committee Meeting.

Council President Mathews noted that he spoke with Town Solicitor, George Lane, regarding bundling the next group of measures, as they are all reappointments (measure numbers 11 048-11 074).

Mr. McKinney read into the record the following reappointments:

Cemetery Commission, Liz Cicchese
Community Events Committee, Peter Webb
Conservation Commission, Laura Harbottle
Conservation Commission, Scott Dowd
Contributory Retirement Board, Gregory Hargadon
Cultural Council, Sandra Peters
Commission on Disabilities, Richard Johnson
Commission on Disabilities, Janet Walsh
Board of Elder Services, Jeannette Rose
Board of Health, Clare LaMorte
Board of Health, Bill Rennie
Historical Commission, Edward Walker
Historical Commission, Mary Dorey
Board of Library Trustees, Joan Anderson
Board of Library Trustees, William Westland
Memorial Committee, Steven McCloskey
Memorial Committee, Frank Burke
Scholarship Fund Committee, Ginny Snell
Scholarship Fund Committee, Carol Karlberg
Youth Coalition, Kathleen Godbout
Board of Zoning Appeals, Kemal Denizkurt
Board of Zoning Appeals, Edward Foley
Board of Zoning Appeals, Charles Golden
Board of Zoning Appeals as alternate member, Robin Moroz
Fourth of July Committee, Barbara Farrell
Fourth of July Committee, Peter Webb, Sr.
WETC, Rosemary Nolan

Councilor O'Connor motioned for measure numbers 11 048 through 11 074 to be referred to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

Reports of Committees

Ordinance Committee-Chairman Michael Smart **10 016-Charter Review Committee Proposed Amendments**

Chairman Smart reports that the Charter Review Committee commenced its review of the charter in August of 2009 and a comprehensive review occurred for 20 months. The

culmination of the committee's work was submission of a 17 page document of suggested revisions to the Town Council; which was subsequently referred to the Ordinance Committee. The Ordinance Committee met on February 15, 22 and again on April 27th, with the public hearing held on April 11th. The Ordinance Committee voted favorable action for acceptance of three of the amendments suggested by the Charter Review Committee.

Chairman Smart read each motion into the record as follows:

Motion 1

ARTICLE 6
FINANCE AND FISCAL PROCEDURES

SECTION 6-2: SCHOOL COMMITTEE BUDGET

(a) Public Hearing

At least fourteen days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. It shall further indicate the times and places at which complete copies of its draft proposed budget are available for examination by the public, and the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing shall be held by the school committee on the proposed budget. The school committee shall not takes its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

Original language states "At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget".

Explanation: The committee believes the time frame should be changed to fourteen days for the school committee to publish a general summary of its proposed budget. This change will help establish the practical effect to delay the date when a final budget proposal must be submitted to the town council so as to have the best and most complete information available on which to act.

Motion 2

Article 6
FINANCE AND FISCAL PROCEDURES

Section 6-2: SCHOOL COMMITTEE BUDGET

(b)Submission to Mayor

The proposed budget adopted by the school committee shall be submitted to the mayor at least fourteen days before the date the mayor is required to submit a proposed town budget to the town council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the mayor is required to submit to the town council under this article.

Original language states "The proposed budget adopted by the school committee shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed town budget to the town council,

Explanation: The committee believes the time frame should be changed to fourteen days for the school committee to submit a proposed town budget to the mayor. This change will help establish the practical effect to delay the date when a final budget proposal must be submitted to the town council so as to have the best and most complete information available on which to act.

Motion 3

Article 6

FINANCE AND FISCAL PROCEDURES

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Not later than seventy five days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

Original language states: "Not later than ninety days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents....."

Explanation: The committee believes the time frame should be changed to seventy five days for the mayor to submit a proposed operating budget to the town council. This change will help establish the practical effect to delay the date when a final budget proposal must be submitted to the town council so as to have the best and most complete information available on which to act.

Chairman Smart motioned for favorable action on motion number one, seconded by Councilor O'Connor.

Council President Mathews reviewed the approval process. Following this evenings votes, the Mayor must sign the measure, then it is forwarded to the Attorney General's Office, followed by the Secretary of State's office, with a final vote by the residents at the November election.

Councilor Lacey questioned the relationship of these three motions in terms of the 17 pages of suggested changes as submitted by the Charter Review Committee. He would like to know how the Ordinance Committee intends on handling the scribner changes as recommended by the CRC.

Council President Mathews noted that these three changes are 1 ½ pages in length in terms of ballot inclusion, the committee was cognizant of not only cost to publish but wants to avoid confusion to the voter as well. It was noted that the Town Council does not have the authority to effect scribner changes, they would have to go through the aforementioned process as well and therefore the committee is taking these under advisement, to be possibly handled at a future date.

Councilor McDonald noted that the changes we are taking under advisement can be incorporated into a future ballot and stated that the charter can be revisited prior to the mandatory 10 year review.

Councilor Whitaker suggested that a Home Rule Petition be submitted in request that the Council be granted the authority to effect the scribner changes as suggested by the committee.

Motion passes unanimously.

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

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

Council President Mathews extended his appreciation for all the hard work conducted by both the Charter Review and Ordinance Committees.

Councilor Smart thanked the aforementioned committees as well as the public who attended many meetings and as a result many of their suggestions were included in the proposed document.

Public Works Committee-Chairman Ed Harrington
-Herring Run Season Management

Chairman Harrington reports that this issue was brought to Town Council on April 4, 2011 by Trish Pries and subsequently referred to the Public Works Committee, who met on April 25. Jeff Bina and Mike Chiasson were in attendance and spoke to the up and coming repairs to the sluice gate which is currently not functional. George Loring was also in attendance and

confirmed that more than 10k herring perished due to exorbitant rain and they were caught in a flood prevention tunnel, which has since been corrected. An additional factor regarding the demise of the herring was resultant from insufficient waters for carrying them down the Herring Run and has since been resolved by implementing a communication protocol.

With no further business to attend to, Councilor O'Connor motioned to adjourn at 8:22 PM , motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by:

Diane T. Hachey
Recording Secretary

Approved by:

Council President Arthur Mathews