

TOWN COUNCIL MINUTES
Town Hall Council Chambers
May 20, 2013, Monday

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

ANNOUNCEMENTS

Councilor DiFazio announced the annual meeting of the East Weymouth Neighborhood Association on May 28, 2013, 7-9 PM at the Venetian Restaurant. Councilor DiFazio and Mayor Kay will be present, and all citizens are invited.

Councilor Harrington announced that he received an email, as did the other Councilors, regarding budget concerns. He invited any members of the town who would be interested in seeking a long-term solution to the town's fiscal woes through a Proposition 2 ½ override to contact him by email.

Councilor Burke announced the schedule for the May 27, 2013 Memorial Day Exercises.

Vice President O'Connor announced that the damage to the North Weymouth Vietnam War Memorial statue has been repaired. Councilor Burke helped to secure funds to replace the damaged statue and he thanked him and everyone who offered contributions to restore the memorial to its rightful shape.

Councilor Conlon announced office hours for constituent concerns to be held on May 21,

2013 from 10-11AM at the Town Hall.

Commission on Disabilities award Presentation by:

- Councilor Robert Conlon/Town Council Designee to Commission on Disabilities
- Vice President Patrick O'Connor
- Lisa Jennings/Chair of Commission on Disabilities

Vice President O'Connor and Councilor Conlon presented the awards. Lisa Jennings provided the committee with an annual report of activities of the Commission; an update on the programs the commission participated in over the last year, and the disabilities assistance programs the commission has helped to fund. She also highlighted the projects that have been completed to enhance accessibility in the town. They are working on the ADA Transition Assessments which are used by the town to determine accessibility needs in the community. She reviewed the past recipients. Vice President O'Connor read a brief note from the Mayor, who was unable to attend and presented the award and \$100 was presented to each of the recipients:

- Lou Rizzo, who was accompanied by his wife are foster parents to disabled children

Councilor Conlon presented the award to four seniors from WHS who organized a dance for their Capstone Program for the Life Skills students:

- Kelly Barrett
- Bridgette Connolly
- Kristina Diaz
- Abbey Mount

All of the recipients received a standing ovation.

MINUTES

Budget Management Committee Meeting Minutes of April 23, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the April 23, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Economic Development Committee Meeting Minutes of May 6, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the May 6, 2013 Economic Development Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A motion was made by Vice President O'Connor to take "Old Business" out of order and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

OLD BUSINESS

Discussion Regarding Annual Town Meeting Held on May 13, 2013

Council President Mathews reported that he was not happy with what transpired at the Annual Town Meeting. The Town Council had no prior knowledge of the video that was shown. In the future, any presentation by the administration must be submitted 48 hours in advance of an Annual Town Meeting to the Town Council. President Mathews sent a letter to CFO McKinney advising him of his rights under Section 20 of the Open Meeting Law. He was offered the opportunity to have a discussion and responded that he would have it held in open session. Any employee has the right to have the conversation take place in Executive Session, if the issue discusses the reputation, character, physical condition/mental health, or professional competence of an individual, with a 48-hour notice. Since the meeting, the Mayor has notified the Council that she intends to impose a 10-day suspension of CFO McKinney. Council President Mathews stated the action is appropriate. The Annual Town Meeting is the time for residents to be able to have the opportunity to speak on the budget and that no individual should be singled out or mocked. Rule 27 of the Town Council Rules instructs the Council to listen to the public at public hearings. He included this as an agenda item to allow his colleagues to have a chance to speak on the subject.

Councilor Conlon reported his personal views of what happened. Mr. McKinney played a skit that featured young people that was meant by Mr. McKinney to be funny. It was not funny. Mr. McKinney realized the audience was upset and profusely apologized. Some accepted it; many did not. Councilor Conlon stated that while Mr. McKinney is a good CFO, he is not a humorist. He accepts Mr. McKinney's apology. The Mayor has seen fit to suspend him for his choice of bad humor, and while every manager uses a form of progressive discipline; it was not used here. It was wrong what happened and Councilor Conlon apologized to Mr. McKinney.

Councilor Burke reported that he took the opportunity to attend a school committee meeting and clarified remarks as it applies to the Council. He offered an apology to Mr. Perez on behalf of himself as a Councilor for any action that may have supercharged the whole debate around the school budget and caused this reaction. He did this as an individual and delivered a message to elected officials on the school committee as to what his thoughts were on their actions that evening.

Vice President O'Connor noted he was not planning to speak on this issue but decided to after some of Councilor Conlon's comments. The setting in which the joke was displayed was inappropriate. It had no place in the democratic setting; especially at Annual Town Meeting. He believes the disciplinary action the Mayor took was justified. The town does not need this distraction during the budget season.

Councilor Smart noted the actions by the CFO were inappropriate. He called and spoke with Mr. Perez the following day. It is inappropriate to publicly poke fun at a resident who advocates a position; it sends the wrong message. It was a poor choice.

Councilor McDonald reported that he was extremely disappointed in Mr. McKinney's action. It is not humorous when you poke fun at parents who advocate for their children's future. He appreciated that Mr. McKinney offered to tender his resignation, but feels the Mayor's action was justified. When things like this happen, it categorizes the town as a distressed community; the town should be doing what it can to maximize property values; not undermine them. He took offense to the action, but he appreciated the apology.

Councilor Harrington reported that his past experience as a divorce mediator in family court has allowed him to understand why this can happen. People are pitted against each other because there aren't enough funds to go around. The action was unfortunate. He recommended the parties put it behind them, and work together to resolve the issues.

Councilor Lacey reported that he was disappointed with what transpired that evening, as it represented the Council and places things in a bad light. While it was not ill intended, Mr. McKinney's actions showed extremely poor judgment. As it was not intended to be on the Council's agenda or plan, because it happened at a Town Council meeting it is perceived that way. Councilor Lacey accepts his apology and is in favor of moving forward collectively as a Council and as a community.

Councilor Molisse reported that he thought it was a terrible choice, and he was very upset with it; it insulted many people. But it has been addressed, talked about and the town needs to move forward. There are a lot of other issues to address in town.

Council President Mathews thanks his colleagues for their comments. Mr. McKinney was invited to the table. He apologized; it was not his intent to mock Mr. Perez and he would not do anything to discredit the Mayor or the Town Council. He cares about the town and its residents. He wished he had not shown the video, but thought it would be seen in a different light than it was. He has apologized to Mr. Perez in public and in private, and apologized to the Mayor and the Council.

RESIDENT AND COMMUNITY COMMENT

Perspective on the Annual Town Meeting of May 13, 2013-Gus Perez of 16 Hewett Road

Gus Perez addressed the Council. He is disturbed with what has been done to the public process as a result of the video. He is amazed that some Councilors have expressed no comments. As much as he would love to move forward, the reality is that this is distracting from the budget issues, and unfortunately there will not be closure due to the extent of the damage done to the public process because of this video. He was surprised at Councilor Conlon's comments. He pointed out what he perceived as inaccuracies that were presented in the video and said anyone who considers it a joke is wrong--it sends the message that this Administration is not interested in listening, and anyone who questions the Mayor's policies is targeted. Mr. Perez questions how this could have happened. The Mayor communicated her budget; how could the CFO have not known how it would be taken? The video was shown for 6 minutes, and no one stopped it.

Michael Gallagher noted that he was present to represent the Mayor and took issue with being slandered and violated here. Councilor Lacey ruled his comments out of order and Mr. Perez was allowed to continue.

Mr. Perez continued that the video wasn't shut off until the audience voiced their objections. The tension will remain until he has answers to his questions. He feels the Mayor needs to explain what happened and she owes the whole community an apology. He reminded them, in the context of past experience; that this is the same Administration that attempted to remove the Tiny Town Gazette from shelves at the Whipple Center. Mr. Perez noted that his family emigrated from South America during a time of political upheaval and he knows what political intimidation looks like and he was upset and saddened when he recognized it at Town Meeting. Community involvement without the fear of mockery has been tarnished. He feels this needs to be placed on an agenda for the Mayor to be present and address to the community how it could have happened on her watch; she is ultimately the one in authority for her administration, and until it happens the whole process is tarnished. The business of the conversations on the budget can continue but only the Mayor can fix it.

Robert Montgomery Thomas requested a point of personal privilege, which Council President Mathew did not allow. He took the comments under advisement.

Solicitor Lane addressed the Council--while Mr. Perez was allowed to go on and that the Council should have complaints against the Mayor, is covered under the Open Meeting law. She deserves the same rights as was afforded to the CFO. The Council runs this particular meeting; not Mr. Perez or anyone else.

Councilor Conlon responded that Mr. Perez misquoted him and corrected the statement he made. He is not uncomfortable with this; there is no tension as far as he is concerned. He said he accepted a good man's apology, and was applauded.

Mr. Perez requested he be allowed to respond. Council President Mathews asked him to be brief; he did not want to get into a back and forth. Councilor Lacey reminded the committee that everyone is required to adhere to "Robert's Rules" and that all comments are addressed through the President. Mr. Perez apologized for misquoting Councilor Conlon. He was ready to accept Mr. McKinney's apology until others pointed out the true content of the presentation. He would like to sit and discuss with Mr. McKinney, one-on-one and review the content to have a dialogue on what was intended.

PUBLIC HEARINGS

13 087-Fire Department Vehicle

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 087-Fire Department Vehicle and was seconded by Councilor Smart. This was published on May 10, 2013. UNANIMOUSLY VOTED.

Chief Davis and CFO McKinney were invited to the table. The Chief noted the request is to replace a 1986 Mack fire truck -- in service many years in East Weymouth and then shifted to North Weymouth. It is a first line vehicle that has to be used. The truck is no longer manufactured, and obtaining replacement parts is extremely difficult. Council President Mathews noted the Council was provided with pictures showing its condition. Chief Davis noted the vehicle has structural, pump and frame issues and is 27 years old. It has been patched and re-patched. CFO McKinney reported that the estimate, with a 5% contingency, has been estimated to cost \$613,000. The funding will come from unexpended balances from the 53rd week payroll set aside.

Vice President O'Connor asked how long it will take to receive the truck. Chief Davis responded that they have received three competitive bids and will make a decision. It has to be custom built and it will be seven months before the town will take possession. Vice President O'Connor asked if the old vehicle can remain in service until the new truck arrives. Chief Davis responded that he didn't know if it would; it will be retired after the new truck is received. Councilor DiFazio asked if all of the 02 accounts have been reviewed for unexpended funds; Mr. McKinney responded that these two sources had the highest unexpended balances. Councilor DiFazio asked the total of all unexpended funds; at a meeting of the Budget/Management Committee, a list of all unexpended funds was requested. Councilor Hackett noted that the fund balances were requested at the beginning of the budget review process. They received a list of all Town Council measures that passed with unexpended balances, she will provide the response she received.

Councilor Molisse noted that having seen the truck in the parking lot prior to the meeting, there is no doubt it needs to be replaced. He asked if there is a minimum trade-in allowance for it. Councilor Smart asked if it will be a straight purchase or a lease-to-own, which was done before but puts the burden on future budgets. Councilor Conlon asked how they were able to register the existing truck given its problems, and will support the measure because there is a serious fire safety issue in town. Councilor Lacey followed up to Councilor Smart's comments. He would like further information as to why a purchase is more beneficial than a lease.

Kathleen Curran, Babcock Avenue asked for additional information on the funding source. She is in support of the measure but would like to review all avenues. She would like to see it funded the best possible way and still allow the town to meet Net School Spending, while keeping fire stations open. CFO McKinney responded that because the FY14 budget is already so tight, they did not want to add to the burden. This is one-time funding to be used for a one-time purchase.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 087-Fire Department Vehicle and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

13 089 Sewer Department-MWRA I/I Phase 7 Allocation

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 089 Sewer Department-MWRA I/I Phase 7 Allocation and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

DPW Director Jeff Bina was invited to the table with Mr. McKinney. The cost of the measure will run approximately \$944,000 and will include the planning/construction of I/I improvements. This request is for the approval to authorize the town to borrow. The town will be reimbursed through a 45% grant from the MWRA, but must authorize the borrowing of the full amount up front. Councilor Harrington noted there is almost \$3,000,000 in the Sewer Enterprise Fund. The CFO responded that the town can take advantage of a 45% reimbursement by structuring the funding this way. Councilor Smart asked how this will benefit the residents. CFO McKinney responded that the town will be reimbursed 45% of the cost by the MWRA, plus it will be able to reduce infiltration and reduce outfall to the MWRA by completing these I/I projects.

Tricia Pries, 15 Woodbine Road asked how this relates to Southfield if it is the North Weymouth interceptor. Mr. Bina responded that it allows them to investigate through the whole system for infiltration and inflow. Councilor Lacey asked Mr. Bina to further explain what I/I is. Mr. Bina responded that infiltration is water that enters the system from outside, inflow is what comes in from the pipes. It will alleviate issues in the Back River.

Kathy Curran asked how much manpower will be required. Mr. Bina responded that a majority of the work will be done with the use of cameras and flow monitors.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 089 Sewer Department-MWRA I/I Phase 7 Allocation and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

13 101-Reserve Fund Transfer-Auto/Property/Liability Insurance-May 2013 Invoice

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$104,000 from the Reserve Fund to line item--Fire/Motor Vehicle Insurance for the purpose of funding the costs associated with an increase in insurance rates. Council President Mathews requested that the administration provide any and all back up it can when this measure is deliberated in committee.

A MOTION was made by Vice President O'Connor to refer measure 13 101-Reserve Fund Transfer-Auto/Property/Liability Insurance-May 2013 Invoice to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 102-Community Preservation Committee-Pond Plain Improvement Association Building

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$80,000 from the Community Preservation Commission-Historical Resources- for the purpose of funding the costs associated with the Pond Plain Improvement Center repairs.

A MOTION was made by Vice President O'Connor to refer measure 13 102-Community Preservation Committee-Pond Plain Improvement Association Building to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

13 103-Community Preservation Committee-Lakeview Manor Housing Units

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$220,000 from the Community Preservation Fund-Community Housing to fund the costs associated with demolishing a vacant day care center and constructing four handicap accessible units on Joseph Fern Court/Lakeview Manor.

A MOTION was made by Vice President O'Connor to refer measure number 13 103 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

13 104-Reappointment to the Board of Registrars- Michele Cronin

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Michele Cronin of 65 Hinston Road for reappointment to the Board of Registrars, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer measure 13 104-Reappointment to the Board of Registrars- Michele Cronin to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 105-Reappointment to the Board of Health-Dave Morgan

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Dave Morgan of 40 Tommy Marks Way to the Board of Health, for a term to expire on June 30, 2014. This is to fill the vacancy created by the resignation of Bill Rennie.

Council President Mathews affirmed that this is a request for appointment, not a re-appointment.

A MOTION was made by Vice President O'Connor to refer measure 13 105- to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

13 106-Appointment to the Cultural Council-Liz Boston

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Liz Boston of 16 Paomet Road to the Cultural Council, for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer measure 13 106-Reappointment to the Cultural Council-Liz Boston to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 107-Appointment to the Cultural Council-Annemarie Gable

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Annemarie Gable of 23 Edgeworth Street for Appointment to the Cultural Council, for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer measure 13 107-Appointment to the Cultural Council-Annemarie Gable to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Kenneth DiFazio

13 087-Fire Department Vehicle

Councilor DiFazio reported that the public hearing on this measure was held on May 20, 2013. The committee will meet to deliberate it May 22, 2013, when a review of the Fire Department FY14 is conducted.

13 074-Free Cash Firefighter Raises

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on April 22, 2013. The committee met on May 9, 2013 and voted to forward to the full Town Council with a 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 \$700,000 from free cash, for the purpose of funding the costs associated with the economic impact of the FY 11, FY12 and FY13 of the Joint Labor Management Committee finding dated March 27, 2013 which awards the members of the Local 1616, International Association of Fire Fighters a zero percent increase in FY11, a 2.5 percent increase in FY12 and a 2.5 percent increase in FY13. The motion was seconded by Vice President O'Connor, who voiced his support. The union is poised to enter the next year without a contract. He hopes the next contracts are resolved without having to go before an arbitrator. His opinion is that departments should not be operating without contracts. Councilor Conlon agreed. He hopes the town can avoid arbitration in the future since it puts a financial drain on the town. Councilor Lacey also echoed the sentiments and would like to see the town be proactive when it comes to contract negotiations. Councilor Harrington also supported the measure and had problems with the arbitrator's rationale; there was a flaw

in the logic; the note indicated that the Council had approved a teacher contract by which this contract was predicated. Councilor Harrington responded that the Council did not enter into the agreement with the teachers; the school committee entered into that contract. He noted his support for the fire department raises. UNANIMOUSLY VOTED.

13 088-Reserve Fund Transfer-Police Department Overtime

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 2013 and voted to forward to the full Town Council with a 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 \$45,000 from the Reserve Fund, for the purpose of funding the costs associated with additional Police overtime requirements and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 089-Sewer Department-MWRA I/I Phase 7 Allocation

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 2013 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio that the town of Weymouth appropriate the sum of \$944,000 for the purpose of funding the costs associated with the planning, construction and reconstruction of sewers, sewer systems and sewage disposal facilities consisting of infiltration and inflow improvements and to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow \$944,000 and issue bonds or notes therefore under Chapter 44 of the General Laws; that such bonds or notes shall be general obligations of the town and that the Treasurer, with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resource Authority, "hereinafter called the Authority" and in connection therewith to enter into a loan agreement and/or a security agreement with the Authority and otherwise to contract with the Authority, and that the Treasurer, with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resource Authority and in connection therewith, to enter into a loan agreement and/or a financial assistance agreement with the MWRA and otherwise to contract for and to expend any federal or state aid available for the project including any grants related to the project from the MWRA; and that the Mayor is authorized to expend any and all funds available for the project and to take any other action necessary to carry out the project. The motion was seconded by Vice President O'Connor. Council President Mathews reminded the Council that a 2/3 vote is required to approve this measure. UNANIMOUSLY VOTED.

13 090-Reappointment to the Commission on Disabilities-Gerry Begonis

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 2013 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio; that the town of Weymouth reappoints Gerry Begonis, of 42 Unicorn Ave to the Commission on Disabilities for a term to expire on June 30, 2016, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 091-Reappointment to the Scholarship Fund Committee-Nancy Brennan

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Nancy Brennan, of 129 Webb Street to the Scholarship Fund Committee for a term to expire on June 30, 2016, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 092-Reappointment to the Community Preservation Committee-Daniel Condon

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Daniel Condon, of 0 Albert Road to the Community Preservation Committee for a term to expire on June 30, 2015, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 093-Reappointment to the Conservation Commission-Steve DeGabriele

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Steve DeGabriele, of 21 Tamberlane Ridge to Conservation Commission the for a term to expire on June 30, 2016, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 094-Reappointment to the Recreation Commission-Arthur DelRosso

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Arthur DelRosso, of 454 Pleasant Street to the Recreation Commission for a term to expire on June 30, 2016, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 095-Reappointment to the Scholarship Fund Committee-Hank Goldman

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Hank Goldman, of 33 Old Country Way to the Scholarship Fund Committee for a term to expire on June 30, 2016, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 096-Reappointment to the Board of Library Trustees-Charles Hickey

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Charles Hickey, of 896 Middle 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.

13 097-Reappointment to the Scholarship Fund Committee-Karen McCafferty

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 6, 2013. The committee met on May 20, 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 reappoints Karen McCafferty, of 35 Mulcahy Lane to the Scholarship Fund Committee for a term to expire on June 30, 2016, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 098-Reappointment to the Fourth of July Committee-William Robinson

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee May 6, 2013. The committee met on May 20, 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 reappoints William Robinson, of 360 Summer Street to the Fourth of July Committee for a term to expire on June 30, 2016, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

Councilor DiFazio provided an update on the Budget/Management Committee schedule for the FY14 budget review. He reported that the Open Meeting Law restrictions have placed an additional impediment to fellow Council members to participate in ongoing committee meetings, so much so that the Mayor has offered in her letter to the Council dated May 5, 2013 her services to discuss directly the FY14 budget proposal. The committee recognizes this hardship, and agreed at its meeting on May 15, 2013 to

provide an interim update to the full Town Council. The committee has met five times and reviewed the proposed budgets for town revenues, fixed costs, debts, benefits, revolving and donation accounts, local aid, state assessments, DPW, Water & Sewer, Police, Planning, Licensing and Inspections, Community Preservation Commission, Administrative Services, Civil Defense, Human Resources, Town Solicitor, Information Services, Town Building Maintenance, and the Capital Improvement Plan. As everyone is aware the Public Hearing for the budget was conducted on May 13, 2013. The following departments remain to be reviewed: Youth & Family Services, Veterans Services, Commission on Disabilities, Health, Elder Services, Parks & Recreation (5/21), Fire Department (5/22), General Government, Town Council, Town Clerk, Mayor, Municipal Finance, Library (5/23) and the Schools (6/5).

Councilor DiFazio reviewed those budgets that have been reviewed and estimated the committee is about 60% complete in its process. At its May 15, 2013 meeting the committee held a discussion after Vice Chairman O'Connor informed the committee of the house and senate's proposed amendments, which impact the current and future Net School Spending. Basically, if the amendment passes, less than \$500,000 would be supplemented to the current budget proposal for the School Department in order to satisfy FY14 Net School Spending and extinguish the carryover. The committee is currently reviewing individual line items to potentially identify possible funding sources to meet NSS. He noted the Senate amendments have yet to be conferenced, and are by no means finalized as of yet nor has the School budget been reviewed by the Budget/Management Committee. He reminded the Town Council that the Budget/Management Committee members are at the disposal of the rest of the Council. Council President Mathews invited the Council and particularly those who were unable to be present at the subcommittee meetings, to engage in a discussion.

Vice President O'Connor reviewed the budget amendments from state. The NSS requirement changed from the Governor's budget to the Senate's, which includes a 3% incremental change (over \$1.217 million) local aid contribution. The Mayor's budget, taking out Tri-Town's estimated transportation costs, which doesn't count towards NSS, results in direct aid to the School Department is \$55,255,000. Inside of the Town of Weymouth budget, is a built-in estimate of 13.8 million that the town spends in its budget to fund activities and operations in the school department. Charter school reimbursement funding further reduces state funding by \$220,000. With all of these factors, the Town of Weymouth's allocation to NSS is \$70,062,205. The Mayor's budget fulfills that leaving a shortfall in NSS of \$1,227,205. Adding in the estimated carryover, it becomes \$2,027,205. The House 1 Budget is the Governor's first shot to accomplish what he wants inside of the fiscal year. Once it goes to the legislature, a clearer picture emerges of the direction the budget will take. After the Governor releases his budget, the legislature reviews their process. The numbers he quoted are all from passed budgets. The 3% incremental shortfall is reduced to 1% from the Governor's to the house budget, which changes net school spending to \$69,250,000. Councilor O'Connor noted there is still a lot to do, and having the conversation now is the right thing to do. There is an amendment in the senate budget that would level the playing field for all municipalities by allowing them all to count retired teacher insurance towards their NSS calculation, but

it requires a 2/3 majority vote. It would enable Weymouth to eliminate its deficit and go into the next fiscal year at a positive balance. He also noted the discussion involves three totally different budgets resulting in three totally different scenarios. He reviewed the history of the practice.

Councilor Lacey noted that he appreciated that Vice President O'Connor referenced the inequity between communities and how the NSS spending is calculated. He reviewed the meeting of the Education Committee and how the formula is attained. The attempt to correct in a phased approach allows Weymouth the opportunity to meet its goals. He asked about the timeline- and whether the subcommittee accelerated its process to conclude all hearings including the School budget. Councilor DiFazio responded that the committee has not discussed expediting the schedule. Should the school department be able to schedule earlier, he would welcome it. Councilor Lacey asked Vice President O'Connor when the Governor's budget is expected to be complete. Vice President O'Connor responded that it should be completed within the week. Councilor Lacey asked his other colleagues whether they support accelerating the budget review process and possibly meet sooner than June 3rd to have the Council vote the budget. There is some urgency to have the work completed by then. In all fairness, the administration should have enough time to respond should the budget be voted down.

Councilor Conlon concurred with Councilor Lacey.

Councilor Hackett also concurred but noted it is in no way a reflection on the Budget/Management Committee. There is uniqueness in this year's budget. She urged contacting the School Department to see if they can't meet before June 3, 2013 and if not, to attend the June 3, 2013 meeting so that the Council has reviewed all town agency's budgets by that date. What she sees in summary: if there were an additional appropriation of \$500,000 and the house budget remains, the town would meet the NSS requirement for FY14 and still have the carryover. With the Senate version and the additional \$500,000 they would meet the FY14 obligation and eliminate the carryover. As one Councilor she supports the action of expediting this. The Council and Budget/Management Committee has been aggressively doing their jobs over the last several weeks behind the scenes. She shared a letter drafted with Councilor Lacey and Vice President O'Connor and forwarded to the Mayor:

"Dear Mayor Kay,

The below Councilors hereby request that you submit a measure for our June 3, 2013 meeting to request the Town Council raise and appropriate \$500,000 from the Town's Stabilization Fund for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth's Net School Spending requirement.

*Councilor Thomas J. Lacey
Councilor Patrick O'Connor
Councilor Jane Hackett"*

Councilor Hackett explained the reasoning behind the request. It was raised as a path to a solution. She would like to see the measure presented on June 3rd, at which time the Budget/Management Committee reports out on the budget and then the Council has everything it needs to make a decision. If either of the two budgets hold, they know what it will cost, even if there is a compromise somewhere in the middle- it will still be for the good. The Councilors will all have the information they need to make their individual decisions. It's a path to finishing the budget process on June 3, 2013. If the budget is not passed, they still have time to work with that. She is willing to introduce this as a late agenda item in the form of a resolution to allow it to go up for debate. It would allow the opportunity to explain the choice of the Stabilization Fund- it was purely for simplicity. There are multiple valid good ideas on ways to meet Net School Spending but procedurally there are hurdles, and she reviewed possible scenarios. The intent is merely to put \$500,000 on the table to work with as a mechanism; a starting point for a conversation.

A MOTION was made by Councilor Hackett to add a late agenda item and was seconded By Councilor Smart. Council President Mathews asked if this is more appropriate under NEW BUSINESS. Solicitor Lane responded that if he is speaking about parliamentary procedure, it is one thing, but if he is referring to Open Meeting Law it's another. The question has arisen about the reasonable expectation of items to be on the agenda. They want to be careful about that. It's obvious to Solicitor Lane that it's a new business item unless the President feels it's in the discussion that's already contained in the FY14 budget; however, it would appear to him to be a new matter and he gave the caveat about the Open Meeting Law, about matters being reasonably anticipated to be put on the agenda.

Councilor Lacey reiterated Councilor Hackett's motion but is flexible wherever it lands. The whole budget process and Net School Spending specifically has been a moving target. Per the rules, bringing a resolution forward requires a draft signed to be entertained for discussion and/or vote. They are open to discussion and edits so long as not to deviate from the spirit of the intent. He encouraged the other Councilors to support adding it to the agenda tonight.

Councilor Hackett clarified for the Council the procedure and the reasonableness of this coming up. She hadn't thought of it until she saw the update posted on the agenda and didn't foresee it being discussed until then, precisely the reason why the rules allow for a late agenda item.

Vice President O'Connor noted he signed the letter, but has reservations about the use of the stabilization fund, but is in favor for beginning a conversation and using this as the means. Everyone has their own ideas on how to meet Net School Spending. Because this is an attainable number, the Council needs to have the discussion and meet the number now instead of waiting until free cash is certified. They have to make sure this is a one-time expenditure to the schools and it's not built into a structural deficit.

Councilor DiFazio asked if when the Budget/Management Committee reports out on June 3rd, it will not include their voted recommendations to the full council. They will just have completed their review. He noted that under the Senate budget; without having more money to the school budget, the Mayor's budget will have met Net School Spending and extinguished the carryover, as was the mandate of the citizens, without having to spend any additional money. Based on that and since the Mayor has not come before them since the Senate's proposal, and not having reviewed the school department's presentation-they may be satisfied with having met Net School Spending. He applauded the approach and made the suggestion that it be referred to the Budget/Management Committee and the Council can take a vote on it June 3, 2013.

Council President Mathews reminded the Council that a motion was made to add a late agenda item and was seconded and to confine the discussion to that motion.
UNANIMOUSLY VOTED.

Councilor Hackett reread her letter:
"Dear Mayor Kay,

The below Councilors hereby request that you submit a measure for our June 3, 2013 meeting that requests the Town Council raise and appropriate \$500,000 from the Town's Stabilization Fund for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth's Net School Spending requirement.

*Councilor Thomas J. Lacey
Councilor Patrick O'Connor
Councilor Jane Hackett"*

Council President Mathews asked for clarification as to if this is intended as a Resolution or a letter to the administration.

Councilor Hackett responded that it can be either and she addressed Councilor DiFazio's suggestion and responded that it is a timing issue. Some dynamic may change over the next few weeks, but she does not believe it will be a significant change to where Net School Spending stands. She would like the tools to make a decision on June 3, 2013.

Councilor Smart agreed with the concept but has reservations with the use of the Stabilization Fund. The external auditor had reported in its annual audit that it was already underfunded; that the fund is the last line of defense before insolvency. Councilor Hackett responded that she recalled it was CFO McKinney who made that statement. Councilor Smart noted that Budget/Management is tasked with reviewing the budget, and that hasn't been completed yet.

Councilor Hackett responded that she differs in the opinion that the Stabilization Fund is the last resort before going into bankruptcy. She views it as one tool that the town has to prevent it from going into a short-term deficit. The town is nowhere near bankruptcy. She

struggled to come up with a solution that would require a single action, but she would be fine with amending as far as the Stabilization Fund.

Councilor Conlon agreed with Councilor DiFazio that it should go before the Budget/Management Committee as he has not had the time to review the issue. He noted there is a time element, but there is also a public safety element and that is his main concern, as is the mandate of the people of this community.

Council Vice President O'Connor noted that in speaking with his colleagues, there are other several other departments underfunded this year, and he would like to look further at those, but there are many solutions to reach the Net School Spending requirements. If the money is out there after a review of all of the budgets, then they should be used to fund all critical services.

Councilor Burke applauded his colleagues for their thoughts and attempts to locate funds to meet the mandate. He reiterated expediting the process; they do not have the luxury to pass further down the road or the luxury of having state budget numbers before them. They should get there as quickly as possible. It is the way the charter lays it out.

Councilor McDonald conceptually agrees with the plan and shares Councilor Smart's reservation regarding the use of the Stabilization Fund, but he believes there needs to be a dialogue. He suggested the Council send a letter to the legislative delegation urging support of that piece of the Senate version. It's unfair that Weymouth is in the 40% of communities that has been punished. He wants to see the dialogue go forward and wants to be proactive in it.

Councilor Harrington reported he has reservations about using the Stabilization Fund, but is not sure where the fund should be or is at currently. He is concerned that if they cut money that is not renewable and ask the Mayor to turn it over to the school department, it will not be spent on what the Council intends. He would like to meet Net School Spending, but in an appropriate fashion. He is also concerned with putting the town in a precarious situation with the stabilization fund. He is in favor of meeting Net School Spending but urged prudence.

Councilor Molisse thanked Vice President O'Connor for the update and he applauded the letter. He will support the letter, and asked for an update on the Stabilization Fund. Auditor Swanson informed that the balance in the fund is \$1.1 million. According to municipal law it cannot exceed ten percent of the amount raised in the prior year and can go up to \$6 million.

Councilor Lacey reported that it was not the Mayor's intent in her budget to provide the schools with any more money. This is an attempt to ensure that the Council is not powerless as some have asserted. At the Annual Town Meeting, the Solicitor advised that if they did not pass her budget, the Mayor could simply take and implement it. He disagrees with that. This is an opportunity to take an active role, whether in support or not. On the issue of whether the senate budget passes, it may be a compromise and he

does not want to risk at the end of June, being told that the Mayor is going to put the budget in place. He wants to determine if she is willing to work with the Council toward meeting Net School Spending.

Councilor Conlon stated the motion is premature. The school department budget has not been reviewed yet and there appears there are items that can be reduced. He would like to see the review conducted first.

Councilor DiFazio applauded the Councilors for bringing this forward and agreed with the intent. He believes selecting a number and source recklessly without having reviewed the school budget, is putting the cart before the horse. By the time they come before the Council, the state budget could be settled. He cannot believe the Council would even consider using the Stabilization Fund for this purpose as there are funds that can be used without use of public hearing to meet the goal if it is necessary. He cautioned against choosing a fund and stating an arbitrary amount. He agrees in theory and will support if the intent is just to send a message.

Councilor Smart responded that they cannot ask the Mayor to identify areas. She has already put forward a budget. He asked if they are amenable to picking another funding source that is not the Stabilization Fund as he agrees with the intent and wants to see it move forward.

Councilor Lacey noted it's an open dialogue and it is not reckless. The measure is a means to opening a discussion and debate. They are open to different verbiage to get where they need to be to support it. He urged acceleration of the budget to see where it's at prior to June 3, 2013.

Councilor DiFazio responded that Budget/Management has already agreed to expedite the review process if the school department can accommodate their meeting schedule. He's not clear on the advantage of sending the measure now or on June 3, 2013, staying clear of what fund to use, but send a message to the Mayor to fund to meet the Net School Spending requirement.

Council President Mathews stated he is not in favor of identifying the Stabilization Fund as the funding source, but in favor of sending a letter. There are other options: Free Cash, OPEB, Reserve Fund, etc.. He is in favor of amending the letter and wants to see the carryover eliminated before voting on the budget. He will make several suggestions at Budget/Management Committee and is prepared to call special Town Council meetings if it becomes necessary to get through.

Vice President O'Connor stated that in this open negotiation process it's clear the funding source is an issue, and they are open to changing it. Changing it to Free Cash- Council President Mathews cautioned that there are other measures currently before the Council using Free Cash. The only open fund is the Reserve Fund.

A substitute MOTION was made by Vice President O'Connor. Councilor Smart in a point of order asked for a hold on the substitute motion until discussion is complete on the initial motion.

Councilor Smart noted there is much debate on the initial motion. They don't want to give the Mayor the opportunity to turn it down because the use of the Stabilization Fund might be too risky. He questioned if it is possible to put the measure forward without identifying the funding source.

Councilor Hackett responded that they suggest eliminating that line in the letter, to read:

"The below Councilors hereby request that you submit a measure for our June 3, 2013 meeting that requests the Town Council raise and appropriate \$500,000 for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth's Net School Spending requirement."

Councilor Hackett continued that the suggestions are all good, but procedurally they are challenging. In June, it's not just calling a special Town Council meeting every other night; it's public hearings. If the measure prevails and the \$500,000 is voted from whatever source it does not mean that the school department then gets that money. That means that the budget goes back \$500,000 less to the Mayor and the Council will have to wait for her to resubmit. That's why she wants \$500,000 on the table and the number is a result of the three possible budget scenarios. The dollar amount was a deliberate number.

Council President Mathews responded that the two sources he referred to have current remaining money in FY13; one is the Reserve Fund. The Free Cash OPEB measure is an FY13 submittal as well. Both of those are monies available in FY13 until June 30th.

Vice President O'Connor AMENDED the MOTION; that the line "the Town's Stabilization Fund" is replaced with "Free Cash" and at the end after the word "requirement" insert "during the budget deliberation the Budget/Management Committee will identify \$500,000 in savings," or it could be the Town Council during the budget review that will be cut during the budget process.

Council President Mathews asked him to read the revision in total:

"The below Councilors hereby request that you submit a measure for our June 3, 2013 meeting that requests the Town Council raise and appropriate \$500,000 from Fiscal Year 2013 Free Cash for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth's Net School Spending requirement. During budget deliberations, the Budget/Management Committee and the Town Council will identify \$500,000 in savings that will be cut during the budget process."

The amended Motion was seconded by Councilor Smart.

President Mathews suggested adding the language re: Reserve Fund

Councilor Hackett suggested the amended version read:

“The below Councilors hereby request that you submit a measure for our June 3, 2013 meeting that requests that the Town raise and appropriate \$500,000 for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth’s Net School Spending requirement.”

She believes the option should be left to the Mayor. According to information provided today from CFO McKinney, the Reserve Fund balance is \$424,600 and \$149,000 pending and Free Cash, with the current measures considered has a balance of \$128,000. They can’t submit measures over what is there.

Vice President O’Connor WITHDREW his motion and was seconded by Councilor Smart.

A SUBSTITUTE MOTION was made by Councilor Hackett:

“The below councilors hereby request that you submit a measure for our June 3, 2013 meeting for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth’s Net School Spending.”

The Motion was seconded by Vice President O’Connor.

Councilor DiFazio applauded the amendment. As a point of clarification, he noted that it was decided that \$500,000 was what everyone has determined the school department needs. He’s not sure how that was determined before reviewing their budget and urged reconsideration of putting the amount in. He urged leaving the amount blank, but will support to send a message.

Vice President O’Connor wants to be sure that the appropriate funding source does not include the fire engine measure, currently before the Council, the unfunded OPEB liability, meals tax, the Parks & Rec superintendent position that was unfilled, nor due to layoffs. There are plenty of available revenue sources and certain ones should be protected.

Councilor Molisse is also concerned with the number, but is in support. It is a good thing that the Council is sending the great message that this town supports meeting Net School Spending.

Councilor Harrington asked for a reread of the letter:

*“Dear Mayor Kay;
The below councilors hereby request that you submit a measure for our June 3, 2013 meeting for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth’s Net School Spending.”*

Councilor Harrington responded that no amount is included. So the Mayor is being asked to meet the Net School Spending without telling her how to do it. He stated he is frustrated with the short-term squabbling instead of looking for a long-term solution, will be back doing the same thing next year. He is frustrated with trying to cobble a solution and doesn’t want any part of this.

Councilor Smart asked Councilor Hackett to read it one more time.

Councilor Hackett read:

*“Dear Mayor Kay:
The below councilors hereby request that you submit a measure for our June 3, 2013 meeting requesting \$500,000 for the purpose of prefunding the FY14 School Department budget, in a manner that applies to the Commonwealth’s Net School Spending.”*

Vote PASSED 9/2 (Councilor Conlon-NO, Councilor Harrington-NO).

Council President Mathews asked Councilor DiFazio to reach out to the School department to see if they are available to meet sooner than their scheduled budget meeting.

NEW BUSINESS

13 099-Appointment /Contract for Town Auditor-Council President Arthur Mathews

Council President Mathews reported the current contract for the Town Auditor expires on June 10, 2013, and in accordance with 2-8 (a) of the Town Charter, he submitted Richard Swanson’s name for consideration for re-appointment to the position of Town Auditor. The three-year term will expire June 10, 2016. The new contract request does not change as to the number of hours or compensation from the current. He averages 18 hours a week and not to exceed 960 hours per year. The position does not include sick or vacation accruals.

A MOTION was made by Vice President O’Connor to refer item 13 099-Appointment/Contract for Town Auditor to the Budget/Management Committee and was seconded by Councilor Smart. Councilor DiFazio urged adoption and applauded Mr. Swanson’s work with the Budget/Management Committee. The position is a contract one, with no benefits. UNANIMOUSLY VOTED.

13 100-Call of the Special State Election on June 25, 2013-action under 2-9 (b) requested

A MOTION was made by Vice President O'Connor to consider item 13 100- Call of the Special State Election on June 25, 2013 under 2-9(b), same night action and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to accept the Call of the Special State Election, as written:

“In the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special State Election to vote on Tuesday, June 25, 2013.”

The Motion was seconded by Councilor Smart. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, June 3, 2013. At 10:38 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 Arthur Mathews as Council President