

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
June 6, 2011 - Monday

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: Susan M. Kay, Mayor
George Lane, Town Solicitor
William McKinney, Chief Financial Officer
Franklin Fryer, Town Clerk
Kathleen Deree, Assistant Town Clerk
Richard Swanson, Town Auditor
James Clarke, Director, Planning & Community Development
Jeff Bina, Director, DPW
David Tower, Water Superintendent

Recording Secretary: Mary Barker

President Mathews called the Town Council Meeting to order at 7:30 PM. Following the Pledge of Allegiance, Town Clerk Franklin Fryer called the roll, with all members present.

ANNOUNCEMENTS

Councilor Molisse announced that the Whipple Senior Center will have a summer kick-off cookout, sponsored by Norfolk County Sheriff's Office on Friday, June 24th at noon. Tickets are limited to 100 Weymouth residents and available by calling the Whipple Center.

Vice President O'Connor announced that the Weymouth Firefighters will host their Memorial Ceremony on Sunday, June 12th at the Village Cemetery on Washington Street. Formation begins at 9 AM.

Joint Citation- Disability Award

Mayor Susan Kay and Councilor Robert Conlon (Town Council designee to the Commission on Disabilities) presented the award to Virginia Johnson. She is the head of

technical services, fluent in American Sign Language, and at the Tufts Library she assists disabled patrons and educates fellow library workers. Councilor Conlon read a brief overview of her work. Mayor Kay presented the citation.

MINUTES

Town Council Meeting Minutes of May 2, 2011

A MOTION was made by Vice President O'Connor to approve the minutes of the May 2, 2011 Town Council meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Steve Bergfors of 46 Mt. Vernon Rd. West, President of the Friends of Legion Memorial Field

Mr. Bergfors represented the Friends of Legion Memorial Field which is an independent group whose purpose is to raise funds, eventually as a 501-3-C entity, to restore the field to its former status. The committee is looking for volunteers to help. He provided his phone number 335-7241. The committee's goal is \$500,000. The committee does not currently have a website.

PUBLIC HEARINGS

11 094-National Grid Utility Petition-Winter/Washington and Middle Streets

A MOTION was made by Vice President O'Connor to OPEN the Public Hearing on item 11 094 and was seconded by Councilor Smart. Abutters were notified on May 27, 2011. UNANIMOUSLY VOTED.

President Mathews invited Tom Cichocki of National Grid to present. Approximately 25 poles are to be removed, moved or reinstalled in a new location to accommodate the widening of Middle and Washington Streets and the signalization of Middle and Winter Street. Pole relocations will not interfere with any driveways. Most of the relocations are to move poles back due to the land taking to widen the road. Major pole relocations are on town property. National Grid addressed the issues of trees brought up by the manager of Walmart. President Mathews noted that if the Council acts favorably, he hopes the project will be expedited. His conversations with MA DOT indicate the project is pending the relocation of the poles and will begin right after the July 4th holiday. The project by National Grid is expected to take 6-8 weeks. Other utilities are synchronizing their work with National Grid. All new cable will be installed at the same time.

A MOTION was made by Vice President O'Connor to CLOSE the Public Hearing on item 11 094 and was seconded by Councilor Smart. President Mathews noted that there was a meeting with residents prior to this public hearing and many questions/comments were addressed. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to consider 11 094 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 approve item 11 094 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

11 095-National Grid Utility Petition-Main Street

A MOTION was made by Vice President O'Connor to OPEN the Public Hearing on item 11 095 and was seconded by Councilor Smart. Abutters were notified on May 27, 2011. Councilor Molisse recused himself from the discussion. UNANIMOUSLY VOTED.

This measure is for the relocation of pole #137, 30 feet further south to clear a driveway of a coffee shop. Councilor Lacey asked about the ownership of the poles, it was confirmed that they are shared 50/50 with Verizon.

Colleen Meany of 5 Webster Street asked if the pole will be moved closer to her property.

A MOTION was made by Vice President O'Connor to CLOSE the Public Hearing on item 11 095 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to consider 11 095 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 approve item 11 095 and was seconded by Councilor Smart. UNANIMOUSLY VOTED 10/1 with one abstention (Councilor Molisse).

11 047-Water Retained Earnings-Essex Street Water Tank

A MOTION was made by Vice President O'Connor to OPEN the Public Hearing on item 11 047 and was seconded by Councilor Smart. This item was published on May 28, 2011. UNANIMOUSLY VOTED.

David Tower, Water Department, and Jeff Bina, Director, DPW reviewed the measure. \$250,000 is being requested from Water Retained Earnings for the purpose of funding the costs associated with the painting and repair of the Essex Street water tank. There was a prior appropriation of \$750,000. When bid documents were drawn, samples of the existing paint were found to contain small amounts of lead, mainly in the paint used to paint over graffiti. Additional measures to protect from lead exposure will be taken. The tank will be shrouded while sandblasting is underway. Bids came in substantially higher due to the additional work. The tank was constructed in 1991. This is the first time it is being repainted.

Councilor Lacey thanked them for the additional measure of protection being taken for the neighborhood. Councilor Smart asked if a baseline air sample can be taken and if a registered hygienist will be present. Mr. Bina responded that all required precautionary measures will be taken. Councilor Lacey noted that a neighborhood meeting will be held in the future to update the neighbors.

A MOTION was made by Vice President O'Connor to CLOSE the Public Hearing on item 11 047 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

11 096-Community Preservation Fund Land Purchase

Mayor Susan Kay presented the request that the town purchase the Emery Estate on King Oak Hill. During the past month, the Mayor and Community Preservation Committee have been in negotiations with Land Vest for the purchase of the grounds and buildings of the twenty four acre estate. On June 1, 2011, the purchase offer was accepted and on June 2, 2011, the Community Preservation Committee voted to recommend the bonding of the purchase using CPC funds. This measure authorizes that process. Mayor Kay noted that the town should not miss out on this opportunity to preserve this open space and scenic views for the residents of Weymouth. Other towns are able to preserve their open space, and she believes this is exactly why the Community Preservation Acts exist. They agree the property should not go on the open market. Details regarding future use of the site will be determined at a later date, and control of the land by the town is her first priority. There was not a long timeline to plan. A timeline will be established for the plan to develop a use for the land. The Mayor's staff has been assembling and assessing the site. She intends a full public process for neighbors and residents to help determine the future of this parcel. Throughout Weymouth's rich history it has acted to preserve special open spaces and its history, and she believes this is the time to act again. She trusts after consideration that the Council will agree to act on this opportunity.

Vice President O'Connor made a motion to refer item 11 096 to the Budget/Management Committee as read into the record as follows:

“Ordered, that the sum of \$1.9 million is appropriated to pay costs associated with purchasing King Oak Hill property, so called; consisting of a total of 23.96 acres, more or less, and more formally described on Assessor's Map 14, Lot 184-1, 23.68 acres, more or less; Lot 184-59, .26 acres, more or less, and Lot 184-76, .02 acres, more or less, and for the payment of all other costs, incidental and related thereto, and that to meet that appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to Chapter 44, Section 7, Subsection 3, and Chapter 44B of the General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore.”

The motion was seconded by Councilor Smart. President Mathews reminded the Council that this will require a legal notice, public hearing and approval by a 2/3 vote of Council.. He noted his intent is to hold the public hearing at the Town Council meeting of June 20, 2011.

There was a brief discussion. Councilor Lacey asked whether the Council is under any

further time restrictions. Jim Clarke noted there is some sense of urgency, discussions are ongoing with the state and Land Vest on the purchase. The intent is to complete the purchase in early August. Councilor Harrington urged support of the measure. Councilor Whitaker asked if a site visit can be accommodated, which Jim Clarke offered to coordinate. Councilor Conlon asked if there will be any issue combining the three lots. Mr. Clarke responded there will not. Councilor McDonald noted his support for the purchase. Measure number 11 096 for referral to the Budget/Management Committee was UNANIMOUSLY VOTED.

11 097-Non-Contributory Retirement Reserve Fund Transfer Request

William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$900 from the Reserve Fund to Non-Contributory Retirement Line Item.

Vice President O'Connor made a motion to refer item 11 097 to the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

11 098-Planning Department Reserve Fund Transfer Request

William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$4,200 from the Reserve Fund to Planning Salary Line Item.

Vice President O'Connor made a motion to refer item 11 098 to the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee-Chairman Kenneth DiFazio

Councilor DiFazio made a motion to take item 11 093-Appointment to the Board of Elder Services-Elaine Pepe out of order and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

11 093-Appointment to the Board of Elder Services-Elaine Pepe

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth appoint Elaine Pepe, of 26 Erin Way to the Board of Elder Services and was seconded by Vice President O'Connor. Her term will expire on June 30, 2014. She introduced herself to the Council and expressed her interest in serving on the council. UNANIMOUSLY VOTED.

11 044-Reserve Fund Transfer-Sewer Overtime

This item was referred to the Committee on May 2, 2011. The committee met on May 4, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth transfer the sum of \$10,000 from the Sewer Enterprise Reserve Fund to Category 42-Overtime for the

purpose of funding additional overtime costs and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 045-Reserve Fund Transfer-Water Overtime

This item was referred to the Committee on May 2, 2011. The committee met on May 4, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth the sum of \$10,000 from the Water Enterprise Reserve Fund to Category 42-Overtime for the purpose of funding additional overtime costs and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

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

This item was referred to the Committee on May 2, 2011. The committee met on May 4, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth transfer the sum of \$28,000 from the Water Enterprise Reserve Fund to Category 41-Salaries for the purpose of funding the FY11 53rd week of payroll and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 047-Water Retained Earnings-Essex Street Water Tank

This item was referred to the Committee on May 2, 2011. The committee met on May 4, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth transfer the sum of \$250,000 from the Water Enterprise Fund Retained Earnings for the purpose of funding the costs associated with the painting and repair of the Essex Street Water Tank, see Item #14 in the FY11 Capital Improvement Plan, Proposed Building, Grounds and Equipment, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 076-Federal Re-Districting

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth adopt the Federal Redistricting Plan. This redistricting was a result of the 2010 United States census. The motion was seconded by Vice President O'Connor. Councilor Pap noted the growth particularly in the North Weymouth area. President Mathews noted the draft is completed by the state and the town has no jurisdiction over the changes, which affect 406 households and will take effect in 2012. UNANIMOUSLY VOTED.

11 077-Library Department Maintenance Supplies Transfer Request

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a

MOTION was made by Councilor DiFazio that the Town of Weymouth the sum of \$1,700 from line item Building & Grounds, Salary to line item Building & Grounds, Supplies for the purpose of funding maintenance supplies and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 078-Police Department Ammunition Transfer Request

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth transfer the sum of \$13,000 from the following line items:

- \$5000 – Administration-Salary
- \$8000 – Investigations-Salary

To line item Ammunition (which is a new line item) and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 079-Reserve Police Department Transfer Request

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth transfer the sum of \$256,000 from the following line items:

- \$225,000 - Uniform Patrol-Salary
- \$20,000 - Investigations-Salary
- \$11,000 – Technical Support-Salary

To the following line items:

- \$150,000 – Uniform Patrol-Overtime
- \$65,000 – Investigations-Overtime
- \$41,000 – Technical Support-Overtime

The motion was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

11 080-Reappointment to the Community Preservation Committee-Daniel Condon

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Daniel Condon, of Zero Albert Road to the Community Preservation Committee and was seconded by Vice President O'Connor. His term will expire on June 30, 2013. UNANIMOUSLY VOTED.

11 081-Reappointment to the Cultural Council-Judith Alukonis

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Judith

Alukonis, of 54 Broad Reach, #506 to the Cultural Council and was seconded by Vice President O'Connor. Her term will expire on June 30, 2013. UNANIMOUSLY VOTED.

11 082-Reappointment to the Cultural Council-Charlene Terravecchia

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Charlene Terravecchia, of 15 Taylor Drive to the Cultural Council and was seconded by Vice President O'Connor. Her term will expire on June 30, 2013. UNANIMOUSLY VOTED.

11 083-Reappointment to the Commission on Disabilities-Lisa Jennings

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Lisa Jennings, of 385 North Street to the Commission on Disabilities and was seconded by Vice President O'Connor. Her term will expire on June 30, 2014. UNANIMOUSLY VOTED.

11 084-Reappointment to the Planning Board-Mary Akoury

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Mary Akoury, of 15 Padula Road to the Planning Board and was seconded by Vice President O'Connor. Her term will expire on June 30, 2016. UNANIMOUSLY VOTED.

11 085-Reappointment to the Recreation Commission-Colleen Kelley

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Colleen Kelley, of 34 Ledgehill Road to the Recreation Commission and was seconded by Vice President O'Connor. Her term will expire on June 30, 2014. UNANIMOUSLY VOTED.

11 086-Reappointment to the Scholarship Fund Committee-Donna Shea

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Donna Shea, of 37 Heritage Lane to the Scholarship Fund Committee and was seconded by Vice President O'Connor. Her term will expire on June 30, 2014. UNANIMOUSLY VOTED.

11 087-Reappointment to the Scholarship Fund Committee-Nancy Brennan

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Nancy Brennan, of 129 Webb Street to the Scholarship Fund Committee and was seconded by Vice President O'Connor. Her term will expire on June 30, 2013. UNANIMOUSLY VOTED.

11 088-Reappointment to the Scholarship Fund Committee-Hank Goldman

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Hank Goldman, of 33 Old Country Way to the Scholarship Fund Committee and was seconded by Vice President O'Connor. His term will expire on June 30, 2013. UNANIMOUSLY VOTED.

11 089-Reappointment to the Board of Registrars-Sandra Carle

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Sandra Carle, of 12 Carleton Road to the Board of Registrars and was seconded by Vice President O'Connor. Her term will expire on June 30, 2014. UNANIMOUSLY VOTED.

11 090- Reappointment to the Housing Authority-Joyce Jung

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint Joyce Jung, of 8B Garafalo Road to the Housing Authority and was seconded by Vice President O'Connor. Her term will expire on June 30, 2016. Councilor Pap noted she is a tireless advocate and the town is fortunate to have her on the committee. UNANIMOUSLY VOTED.

11 091-Reappointment to the Redevelopment Authority-George Berg

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action; therefore on behalf of the Budget/Management Committee a MOTION was made by Councilor DiFazio that the Town of Weymouth reappoint George Berg, of 74 Summer Street to the Redevelopment Authority and was seconded by Vice President O'Connor. His term will expire on June 30, 2016. UNANIMOUSLY VOTED.

**11 092-Reappointment to the Board of Zoning Appeals as an Alternate Member-
Robert Galewski**

This item was referred to the Committee on May 23, 2011. The committee met on June 2, 2011 and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Budget/Management Committee a substitute MOTION was made by Councilor DiFazio that the Town of Weymouth withdraw measure 11 092 and was seconded by Vice President O'Connor, based on written correspondence from the Mayor and read into the record:

“Please allow me to withdraw measure 11 092, an appointment, which is found on your agenda under REPORTS OF COMMITTEES, specifically the Budget/Management Committee. Further evaluation is required on the measure and your consideration on this matter will allow me the time to complete it.”

UNANIMOUSLY VOTED.

ADJOURNMENT

The Town Council will next meet on Monday, June 20, 2010.

At 8:30 PM, there being no further business, a MOTION was made by Vice President O'Connor to ADJOURN and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by: Mary E. Barker

Approved by:

Council President Arthur Mathews