

TOWN COUNCIL MINUTES
Town Hall Council Chambers
June 17, 2013, Monday

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Francis Burke, Councilor
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Edmund Harrington, Councilor
Thomas 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
James Clarke, Director, Planning & Comm. Development
Walter Flynn, Chair, CPC

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with all members present.

ANNOUNCEMENTS

Councilor Burke announces that as reported in the Patriot Ledger over the next two weeks the crews will be working nonstop to catch up drilling the main supports for the Fore River Bridge replacement. He has met with Jim Clarke and visited both sides of the site while operations were underway and listened and it is relatively quiet. He assured the residents of District 1 that it should not pose a noise problem. After the two-week period overnight work should cease.

Councilor Hackett announced that after discussion and on the advice of the Town Solicitor, she is disclosing a potential conflict of interest. She has an immediate family member whose property abuts the sea wall and she will not participate in public or private meetings or discussions concerning the sea wall work in North Weymouth.

PUBLIC HEARINGS

13 102-CPC-Pond Plain Improvement Association Building Repairs

A MOTION was made by Vice President O'Connor to Open the Public Hearing on measure 13 102-CPC-Pond Plain Improvement Association Building Repairs and was seconded by Councilor Smart. This was advertised on June 7, 2013. UNANIMOUSLY VOTED.

Planning Director Jim Clarke and Community Preservation Commission Chair Walter Flynn presented the measure. It is a request for \$80,000 for repairs to the Pond Plain Improvement Center Building. Because they were looking to qualify under the Historic Resources requirement and the building was not on the National Register, the application was forwarded to the Historical Commission. The Historical Commission met with members of the PPIA on April 16, 2013 to review the historical data and sent a letter to Mr. Flynn informing that they had approved the building as an historically significant building in the Town of Weymouth and that under Ch. 44B §2 of the Community Preservation Act, the Historical Commission, as the local historic preservation commission qualified it for consideration by CPC. Mr. Flynn read off several of the items that were included in the data: the PPIA began as a fire fighting association and is the oldest still-active civic association in New England. Funds have been received from insurance settlement for the roof, and the Town Council approved funding from the Host Community Agreement mitigation. The CPC approved \$80,000 in funding towards renovation of the building and Mr. Flynn noted that funds were spent by the CPC where there is a real property interest; and this requires a deed restriction be placed on the property (Ch. 184 MGL), managed by the town which can delegate it to the local CPC, the Historical Commission, the local board of Park Commissioners, etc. He noted that a deed restriction is not an encumbrance on the use of the property so long as it continues to be used in the manner intended when the funds were requested.

Council President Mathews asked for comments from the public, to which there was no response.

A MOTION was made by Vice President O'Connor to Close the Public Hearing on measure 13 102-CPC-Pond Plain Improvement Association Building Repairs and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 103-CPC-Lakeview Manor Housing Units

A MOTION was made by Vice President O'Connor to Open the Public Hearing on measure 13 103-CPC-Lakeview Manor Housing Units and was seconded by Councilor Smart. This was published on June 7, 2013. UNANIMOUSLY VOTED.

Planning Director James Clarke and CPC Chair Walter Flynn presented the measure. Mr. Clarke reported that the Weymouth Housing Authority sent an application in April and the CPC discussed this at their May meeting. The request is for \$220,000 with matching funds from CDBG, to raze the building located at the abandoned daycare center in Lakeview Manor and construct four units of ADA veterans housing on the site. He noted that the chair of the Housing Authority was present.

Council President Mathews requested comments from the public, to which there was no response.

A MOTION was made by Vice President O'Connor to Close the Public Hearing on measure 13 103-CPC-Lakeview Manor Housing Units and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 108-Unexpended 02 Account Balances-FY14 School Department

A MOTION was made by Vice President O'Connor to Open the Public Hearing on measure 13 108-Unexpended 02 Account Balances-FY14 School Department and was seconded by Councilor Smart. This was published on June 7, 2013. UNANIMOUSLY VOTED.

CFO William McKinney presented the request to transfer \$337,409.17 from unexpended funds to the school department. Councilor Smart reported that the matter was discussed at length in the prior Budget/Management meeting. Unexpended funds include an FY11 set aside for 53rd week payroll.

Council President Mathews asked for comments from the public to which there was no response.

A MOTION was made by Vice President O'Connor to Close the Public Hearing on measure 13 108-Unexpended 02 Account Balances-FY14 School Department and was seconded by Councilor Smart. Councilor Conlon noted he will not be supporting. UNANIMOUSLY VOTED.

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

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Kenneth DiFazio

13 102-CPC-Pond Plain Improvement Association Building Repairs

Councilor DiFazio reported this measure was referred on May 20, 2013. The Committee met on June 3, 2013 and a public hearing was held. The committee voted unanimously 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 that Town of Weymouth raise and appropriate the sum of \$80,000 from the Community Preservation fund, Historical Resources set aside for the costs associated with the building repairs for the Pond Plain Improvement Association building and was seconded by Vice President O'Connor. Unanimously voted.

13 103-CPC-Lakeview Manor Housing Units

Councilor DiFazio reported this measure was referred on May 20, 2013. The Committee met on June 3, 2013 and a public hearing was held. The committee voted unanimously 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 that Town of Weymouth raise and appropriate the sum of \$220,000 from the Community

Preservation fund, Community Housing set aside for the costs associated with the demolition of a vacant daycare center and construction of four units of veterans ADA accessible housing on Joseph Fern Court/Lakeview Manor and was seconded by Vice President O'Connor. Unanimously voted.

13 108-Unexpended 02 Account Balances-FY14 School Department

Councilor DiFazio reported that this measure was referred on June 3, 2013. The committee met on June 17, 2013, held a public hearing and voted unanimously 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 re-appropriate the sum of \$337,409.15 from the unexpended balances of the accounts and amounts listed below for the purpose of funding the costs associated with non-personnel school department spending needs for FY14. Further, that any amount charged to this account must count towards Net School Spending:

Account	Measure	Amount
02121704	04-050	\$4,250.00
02121723	04-234	\$4,552.00
02121770	09-100	\$2,773.16
02121836	11-134	\$10,744.17
02133644	01-016	\$16,810.52
02133647	01-016	\$24,091.90
02133788	10-025	\$203,553.42
02310780	10-062	\$130.60
02410000	01-081	\$893.31
02410627	97-ATM-A36	\$1,506.22
02410628	97-STM-A23	\$14,110.94
02410719	04-207	\$2,859.67
02410796	11-018	\$41,074.00
02410835	11-133	\$5,413.14
02510761	08-132	\$1,019.39
02699002	06-123	\$2,650.00
02699711	04-127	\$976.71
Total:		\$337,409.15

Vice President O'Connor seconded the motion.

Councilor Conlon reported he does not support the motion due to public safety reasons. The Police Department budget reflects reduced training overtime, less patrols will result in less officer safety and less public safety. Funds should be redirected to the police.

Councilor Lacey reported he supports the measure. He acknowledged and thanked the Mayor and her administration for resolution to the Council's letter directing her to look at any and all measures earmarked to meet Net School Spending.

Vice President O'Connor echoed Councilor Lacey's comments and thanked him for spearheading this effort. He is pleased with the Mayor's willingness to work with the Council and to provide a solution to the Net School Spending goal.

Councilor Harrington noted that this funding is a nonrenewable source. He is also concerned with public safety.

Councilor Hackett reported that this amount of one-time revenue represents less than 1% of the overall budget required to meet the needs of the students. There is a recurring revenue problem in the community as there is extremely limited new growth. The town needs to attract young families. She thanked the Council for their efforts the last several months to come to a solution.

Councilor McDonald also voiced his support of the measure. Although there has been some progress, Weymouth does not have the industrial or commercial base of the neighboring towns and must look for a manner in which to provide a revenue stream that will maintain services and provide for public safety.

Councilor Burke also supports the measure to fund for non-personnel expenses. There are inequities in the state that need to be remedied; taxpayers spend \$4.5 million on retired teachers' health care and cannot count in the formula, and other towns can. Although the deficit has not been wiped out, meeting it now will make it easier to meet it in the future. He cautioned that it is incumbent on the schools to use these funds wisely.

Vote carried, 10/1 (Councilor Conlon-NO).

13 101-Reserve Fund Transfer-Auto-Property-Liability Insurance

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on May 20, 2013. The committee met and deliberated on June 3, 2013 and voted to forward to the full Town Council with a recommendation for favorable action. The Town Council voted to send it back to committee for reconsideration. The Budget/Management Committee deliberated it again on June 17, 2013 and voted to forward to the 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 transfer the sum of \$104,000 from the Reserve Fund for the purpose of funding the costs associated with an increase in insurance rates and was seconded by Vice President O'Connor. Councilor DiFazio invited Michael Gallagher and the Tim LaRovere, the town's insurance broker to the table. They had reviewed the increase drivers earlier in the Budget/Management review, and discussed the history. The town's carrier was purchased by a rival and the town is looking at its options. They also reviewed the type of claims the town has borne over the last several years. While the number of claims hasn't dramatically increased, the cost of the claims has, and Mr. Gallagher reviewed some examples. Councilor Lacey asked why it was not beneficial to the town to look at canceling their current contract and pursuing another carrier when they received the increase. Mr. Gallagher reported that when he received the

current increase, he immediately reached out to the broker to pursue their options. They also reached out to MAIA which declined their request. Meantime they are meeting regularly and working on other solutions to reduce claims, such as a driver education program. They will pursue self insuring as an option and make a determination before the current contract is up in November. Trident offered to cancel the policy and rewrite at an additional \$200,000. Councilor Lacey asked if there is a market that Weymouth can pursue to obtain competitive rates and if there is a disadvantage to going to MAIA. Mr. Gallagher responded that MAIA deals directly with cities and towns and not through a broker, and that the number of carriers is very limited. Councilor Smart asked if it's possible to go to a carrier out of state. The town covers umbrella, public officials, employment practices liability, school board, auto, general liability, equipment breakdown, vessel coverage and employees. The highest cost driver is auto insurance, followed by property insurance. Councilor Smart asked if the town utilizes a safety or prevention officer with OSHA 30 qualifications review claims. Mr. Gallagher responded that the Human Resources Director reviews and checks with each department. Councilor Smart wanted to know what percent could be prevented by education, and he asked Mr. Gallagher to continue to update the Council as this situation progresses. Councilor Lacey thanked Mr. Gallagher and Mr. LaRovere. He recommended the town avoid self-insuring, and that they continue to look at ways to reduce the number of claims.

UNANIMOUSLY VOTED.

13 109-Line Item Transfer-Veteran Benefits

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on June 3, 2013. The committee met on June 17, 2013 and unanimously 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 transfer the sum of \$5,000 from line item Salaries to line item Veterans Benefits for the purpose of funding the costs associated with providing benefits for our veterans. UNANIMOUSLY VOTED.

Ordinance Committee-Chairman Michael Smart

Councilor Smart reported that the Ordinance Committee met on June 17, 2013 on the matter of several street-takings. Applications were filed with the Town Clerk's office on February 14, 2013 and referred to the Ordinance Committee on February 19, 2013. Abutters were notified on March 11, 2013 and an initial public hearing of the layout was held on March 18, 2013. On April 1, 2013, the Ordinance Committee forwarded a recommendation for favorable action on the street layout to the full Town Council, and the Town Council referred the matter to the Planning Board. The Planning Board held a public hearing on May 22, 2013 and forwarded their approval to Town Council on May 29, 2013. The Town Council held a second public hearing on June 3, 2013. The Ordinance Committee met on June 17, 2013 and voted unanimously to forward to the full Town Council with a recommendation for favorable action. Chairman Smart thanked the Planning Board, Town Council, Solicitor and his staff, and the administration for their work on the long process.

13 019-Order of Taking-Tanner Terrace
13 020-Order of Taking-Fredith Road
13 021-Order of Taking- Echo Avenue
13 022-Order of Taking-Duncan Circle
13 023-Order of Taking-Okala Road
13 024-Order of Taking-Paris Street
13 025-Order of Taking Joan Terrace

On behalf of the Ordinance Committee, a Motion was made by Councilor Smart that the Town of Weymouth adopts the order of takings for 13 019-Tanner Terrace, 13 020-Fredith Road, 13 021- Echo Avenue, 12 022-Duncan Circle, 12 023-Okala Road, 12 024-Paris Street, 13 025 Joan Terrace and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 019Acceptance of Waivers-Tanner Terrace
13 020-Acceptance of Waivers-Fredith Road
13 021-Acceptance of Waivers- Echo Avenue
13 022-Acceptance of Waivers-Duncan Circle
13 023-Acceptance of Waivers-Okala Road
13 024-Acceptance of Waivers-Paris Street
13 025-Acceptance of Waivers-Joan Terrace

On behalf of the Ordinance Committee, a Motion was made by Councilor Smart that the Town of Weymouth accepts any recommended waivers as prepared by the Department of Public Works for 13 019-Tanner Terrace, 13 020-Fredith Road, 13 021- Echo Avenue, 13 022-Duncan Circle, 13 023-Okala Road, 13 024-Paris Street, 13 025 Joan Terrace and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

13 019-Street Acceptance-Tanner Terrace
13 020-Street Acceptance-Fredith Road
13 021-Street Acceptance- Echo Avenue
13 022-Street Acceptance-Duncan Circle
13 023-Street Acceptance-Okala Road
13 024-Street Acceptance-Paris Street
13 025-Street Acceptance-Joan Terrace

On behalf of the Ordinance Committee, a Motion was made by Councilor Smart that the Town of Weymouth approves the acceptance of 13 020-Fredith Road, 13 021- Echo Avenue, 13 022-Duncan Circle, 13 023-Okala Road, 13 024-Paris Street, 13 025 Joan Terrace as proposed, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

NEW BUSINESS

Discuss Actions and Next Steps Specific to the Official State Audit Report of South Shore Tri-Town Development Corporation- Thomas J. Lacey, District 2 Councilor

A Motion was made by Councilor Lacey to refer this matter to the Economic Development Committee and Councilor Lacey reported why he requested it at this time.

The Council has had a chance to review the state's recent audit of Southfield's Tri-Town. It has raised significant financial concerns and he is concerned with the overall operation, as the state highlighted in the audit. The corporation has not identified a long-term water source or wastewater treatment plan. Back in November, the Board of Directors advised Council that a decision was imminent. This has been in discussion in Town Council since 2003 and he feels that this has impeded the project's progress particularly from a commercial development standpoint. The audit also indicates there is a push to the residential development. He also believes there should be a balanced approach to the project and the re-use plan voted by the Town Council identified triggers for residential, commercial and parks/recreation build-out. To date there is only residential; no permanent water or sewer sources named, which is irresponsible and won't support attracting commercial development.

Other issues raised that continue to be a concern includes overall operating budget, lack of public hearing process when it approved the return of free cash to the corporation instead of back to the communities, overspending on consultants and attorneys, and a lack of documentation regarding scope of work for legal consultation and awarding of contracts. Councilor Lacey reported that he voted for the re-use plan, but the Board of Directors has disrespected the Council by a lack of response to correspondence from the Council and the requests to come before them. The Council has to jump through hoops to get their attention the last several months.

It's time for the Council to step up and hold the Tri-Town Corporation and its Board of Directors accountable for the items brought up in the audit. To have the state show its concern in an audit of a corporation where Weymouth bears 85% of the impact and providing most, if not all of the services under short-term service agreements, it's time to use their position as representatives of the constituents of Weymouth and demand that they appear before the Council and demand their response rather than reading it in the Weymouth News or Patriot Ledger. If they refuse, as they have repeatedly, the Council will need to determine another course of action. Referring this matter to the Economic Development Committee at this time is a good start given the timeline; he does not want to wait until September before responding to an audit that came out in the middle of the Council's contentious budget debates.

The motion was seconded by Councilor Molisse.

Councilor DiFazio enthusiastically supported the motion. He provided a chronological list, via correspondence seeking a small amount of information; it hasn't been answered.

The audit indicates a feasibility study for water and wastewater was conducted last fall and a second in the spring and they still have not supplied the information to Weymouth. There have been many issues, and a lot of history in trying to obtain information-- to find it out in an audit report. He also notes that the review should include what's encompassed in the definition of excess revenue and there should be an audit of all approved residential and commercial permits. He is not confident of the specific status of the development progress. Certain targets need to be met before moving on. He quoted two areas from the audit: in the final findings and recommendations- "our audit's found that Tri-Town's Board of Directors has not provided the oversight necessary to ensure that management accomplishes its mission of developing the base for the benefit of the host communities." He then quoted a portion of a letter from State Representative Ron Mariano, "the recent audit raises specific questions surrounding the lack of a long-term plan for a water supply source for the development, lack of a plan to deal with wastewater, lack of financing to complete the roadway, and even management questions as basic as maintaining written contracts and records for contract services. Without timely and reliable answers to these questions and the slowness of progress currently seen at Southfield, it becomes apparent that despite our belief in full local control, the current makeup of the board and management is not working to the degree that is required for further success."

Vice President O'Connor will support the referral. He read the report the day the audit was released and made comments to the media outlet that he stands by. Tri-Town says it has addressed many of the concerns in the audit, but the fact that this was brought out is evidence as to how South Shore Tri-Town operated during the period of the audit years; and is unacceptable. The Executive Director has repeatedly been asked to appear before this body on a number of occasions and has appeared only once and it was in an introductory meeting. He touched on attorneys and consultants being paid millions with no contract negotiations, scope of services, or payment details provided; this wouldn't be allowed in any industry in this country and for it to be allowed at Tri-Town is completely unacceptable. The audit outlined perfectly that the leadership is the executive director and the Chief Financial Officer, and not the Board of Directors, which was not the intent of the enabling legislation. The intent of the enabling legislation was local control over the project and the local control relies on the members of the Board of Directors, who also should be included when the discussion is held, and whether a potential change in the enabling legislation is in order. Millions of dollars are spent with no paper trail, and there is still no water source. The base was purchased at a premium when consultants were paid to negotiate a no-cost transfer and there is no funding source to complete the East/West Parkway. For Tri-Town to respond that many of the issues brought out in the audit have been addressed, when these items have not, is unacceptable. The management has taken control from the Board of Directors and the Council needs to send the message that the Board of Directors is the employer and the EO and CFO are the employees.

Councilor McDonald noted there have been numerous discussions. The audit report is disturbing. The primary issue is the enabling legislation. He also recommended that the Town Auditor should look at the state's audit that concluded with 2012, but also should look at what is existing for 2013 to ensure that the issues identified as having been

corrected actually were. His opinion is that the host community is Weymouth. The other two towns abut but have very little impact. Weymouth bears the brunt of the development and is grossly underrepresented on the Board of Directors. The enabling legislation needs to be changed, and it is a good thing to become more engaged in the process.

UNANIMOUSLY VOTED.

MOTIONS, ORDERS AND RESOLUTIONS

Vote to Suspend Meetings- Section 2-302 Code of Ordinances and Town Council Rule 24-Vice President Patrick O'Connor

A Motion was made by Vice President O'Connor that under 2-302 of the Town Ordinances, and Chapter 2-d of the Town Charter to suspend regular Council meetings for the months of July and August and was seconded by Councilor Smart. President Mathews reported that the Council office is open and Councilors are available to constituents, and if the opportunity warrants, a Special Town Council meeting can be called. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:55 PM, there being no further business, a Motion was made by Vice President O'Connor to adjourn the meeting and was seconded by Councilor Smart. Unanimously voted.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Arthur Mathews