

**TOWN COUNCIL MINUTES**  
**Town Hall Council Chambers**  
**September 3, 2013, Tuesday**

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  
Michael Molisse, Councilor  
Michael Smart, Councilor

Not Present: Brian McDonald, Councilor

Also Present: William McKinney, Chief Financial Officer  
George Lane, Town Solicitor  
Kathy Deree, Town Clerk  
Richard Swanson, Town Auditor

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 one member absent. President Mathews reported that Councilor McDonald was not present because of a prior family commitment.

**ANNOUNCEMENTS**

Councilor Burke announced that the North Weymouth Civic Association is sponsoring a "Meet and Greet" District 1 Candidates' night, Thursday, September 5, 2013 at 7 PM at the McCulloch Building on Green Street. It is an opportunity to meet the candidates who will provide an opening statement and the public can then ask them questions.

Vice President O'Connor welcomed nine members from BSA, Troop 2 from Immaculate Conception Church, who were present to see town government in action while working on communications badges.

Councilor Conlon announced that Norfolk County Registrar of Deeds William O'Donnell and his staff will be available Thursday September 6, 2013 from 10 AM-12 PM in Council Chambers at Town Hall to answer any resident questions or assist with deed matters. Internet access and information regarding the Massachusetts Homestead Act will be available. He also announced he will hold constituent hours at the Town Hall on Tuesday, September 10, 2013 from 10-11 AM.

## **MINUTES**

### **Budget Management Committee Meeting Minutes of May 7, 2013**

A MOTION was made by Vice President O'Connor to approve the minutes of the May 7, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **Economic Development Committee Meeting Minutes of August 5, 2013**

A MOTION was made by Vice President O'Connor to approve the minutes of the August 5, 2013 Economic Development Committee meeting and was seconded by Councilor Smart. A Substitute MOTION was made by Councilor Lacey to table the minutes of the August 5, 2013 Economic Development meeting and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

## **RESIDENT AND COMMUNITY COMMENT**

### **New Trash/Recycling Program – Robert Cuoco**

Robert Cuoco, 117 Knollwood Circle, addressed the Council regarding the new trash/recycling program. He noted that he was notified of a change in the collection process via a leaflet that was mailed to all town residents. The leaflet stated that each house will now be limited to one trash barrel and one for recycling, and no additional provision for those who cannot comply with these services. The onus for any other trash removal is completely on the resident who has to find a means to transport it to Braintree, wait in line, and at no reduction in price associated with this huge loss of service. He believes the contract was poorly negotiated and then presented to the taxpayers under false pretenses. It assumes all families are the same size. He noted that a family of eight would generate more trash; elderly would produce less trash and would have trouble handling these new barrels. It also falsely states there is some environmental gain by not filling up landfills with waste that could be recycled. This attempt to gain favor with people who feel strongly about leaving a smaller economic footprint is deceptive, if not downright manipulative.

He continued by stating that Weymouth makes no allowance for the increase in illegal dumping that will occur all across town. To his knowledge, there has not been an environmental study which indicates the potential damage to open spaces, public parks, personal property or Weymouth small businesses, all who will bear the brunt of it. Furthermore, there has been no cost analysis conducted for extended law enforcement of illegal dumping or its subsequent cleanup. He would like to ask the Mayor how much illegally dumped waste is acceptable under this new plan. Any perceived positive impact will be wiped out in the illegal dumping, if not made worse. The only individuals who benefit from the program are the same owners of EZ Disposal and Capital Waste, our last contractor, who use non-union labor to make more of a profit from selling our recyclables and thousands of new barrels. As a Weymouth resident and taxpayer he would like to ask the Council to pressure Mayor Kay to answer her constituents directly, that this contract be revisited, and that an acceptable solution be found that accommodates the entire

town's needs without the removing of services, raising of taxes, or the deception of costs savings and extended benefits. He thanked the Council for the opportunity to speak and asked what measures are planned for the short- and long-term effects of this issue.

Council President Mathews responded that the subject is on the agenda under new business later in the meeting. There have been several calls and letters from the Council to the Mayor, and they have received many calls/emails as well from their constituents.

## **PUBLIC HEARINGS**

### **13 110-Joint Utility Petition for Norton Street, Continued from August 12, 2013**

A MOTION was made by Vice President O'Connor to re-open the public hearing on measure 13 110-Joint Utility Petition for Norton Street, and was seconded by Councilor Smart. This was published on May 10, 2013. Abutters were notified on August 13, 2013. UNANIMOUSLY VOTED.

John Doherty from National Grid appeared before the Council to review the request to relocate pole 91. He reviewed the history at the request of Council President Mathews who reported that the abutter list had expanded to include the potential relocation of an additional pole. The resident of 95 Norton Street was concerned with a guy wire that extended 27 feet onto her property- proposed a safety hazard and asked it be relocated-to do so also required the relocation of pole 90, which was proposed to be moved 10' closer to Norton Street, allowing them to install a different guy system. He then noted that pole 91 further up the street had a pole-to-pole guy wire over the property at 89 Norton Street. Mr. Doherty was going to move it out closer to the street as well, which the owner opposed at the last public hearing. He met with the owner and discussed the manner of relocating the pole and remove the guy wire. Instead of 6 feet closer to the street, it will be moved 17 feet further north. Council President Mathews asked if he has spoken with any other abutters. Mr. Doherty responded that he spoke with owners of 85 and 89 but all abutters were notified in writing. Councilor DiFazio asked if there is an 87 Norton Street. Mr. Doherty reviewed the map- there is an empty lot next to 95 and no number 87.

**Robert Montgomery Thomas, 848 Washington Street** asked when National Grid plans to fix the excavations on Washington Street and stated that they should have some kind of warranty and should be required to come back within a year or five years. He stated that Washington Street looks like a war zone. Council President Mathews responded that he agreed with the conditions following road work and that the Council is in the process of dealing with National Grid on this subject.

**James Francil, 89 Norton Street** stated he was satisfied with the proposed solution by National Grid.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 110-Joint Utility Petition for Norton Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to consider 13 110-Joint Utility Petition for Norton Street 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 13 110-Joint Utility Petition for Norton Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

### **13 115-Appointment to the Cultural Council-Judith Beth Cohen**

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Judith Beth Cohen of 57 Colonial Rd. for appointment to the Cultural Council, for a term to expire on June 30, 2014.

A MOTION was made by Vice President O'Connor to refer measure 13 115-Appointment to the Cultural Council-Judith Beth Cohen to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **13 116-Appointment to the Board of Library Trustees-Cathy Torrey**

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Cathy Torrey of 14 Riverbank for appointment to the Board of Library Trustees, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer measure 13 116-Appointment to the Board of Library Trustees-Cathy Torrey to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **13 117-Appointment to the Appointment to the Recreation Commission-Barbara Nieters-Kearney**

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Barbara Nieters-Kearney of 105 North St. for appointment to the Recreation Commission, for a term to expire on June 30, 2014.

A MOTION was made by Vice President O'Connor to refer measure 13 117-Appointment to the Recreation Commission-Barbara Nieters-Kearney to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **13 118-Appointment to the Scholarship Fund Committee-Janet Tatten McGrath**

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Janet Tatten McGrath of 381 Columbian St. for appointment to the Scholarship Fund Committee, for a term to expire on June 30, 2015.

A MOTION was made by Vice President O'Connor to refer measure 13 118-Appointment to the Scholarship Fund Committee-Janet Tatten McGrath to the Budget/Management Committee and was seconded by Councilor Smart.  
UNANIMOUSLY VOTED.

**13 119-Licensing of Junk Dealers and Dealers in Precious Metals Ordinance Amendment**

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth through the Town Council amends Code of Ordinances, Chapter 9: Licenses and Permit Section 9-601: Regulations Applicable to Licensing of Junk Dealers and Dealers in Precious Metals, with the following:

Section 9-601 Regulations Applicable to Licensing of Junk Dealers and Dealers in Precious Metals

(a) Powers of Board of Licensing Commissioners regarding licensing and control of junk dealers:

1. The Board of Licensing Commissioners MA license suitable persons to be dealers and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles in the Town.
2. They may also license suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place in the Town.
3. They may provide that such collectors shall display badges upon their persons or upon their vehicle, or upon both, when engages in collecting junk, old metals or secondhand articles, and may prescribe the design thereof.
4. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Board of Licensing Commissioners or by any person by them authorized thereto.

(b) Licensing and regulations or dealers in precious metals:

1. No person shall collect, deal in or keep a shop for the purchase, sale or barter of precious metals in any building or place within the limits of the Town without a license from the Board of Licensing Commissioners.
2. For the purpose of this Ordinance, the term "precious metals" shall include any precious metal, such as gold, silver or platinum, without regard to the form or amount of such precious metal or whether or not such precious metal is an incidental or minor component of some other article such as jewelry, bric-a-brac, statuary or the like.
3. The Board of Licensing Commissioners MA license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of precious metals at such places within the Town as may be designated in such licenses under such conditions and

restrictions as are prescribed in this Ordinance, which shall be incorporated in every such license. The fee for granting such license shall be established by the Board of License Commissioners in accordance with Section 5-305.

4. No dealer or keeper of a shop, as described in this section, shall directly or indirectly make any purchase or receive by way or barter or exchange from a minor knowing or having a reason to believe him to be such.
5. No item described in this Section, purchased or received, shall be sold or altered in appearance, form or substance, or any other means of disposing until a period of at least thirty (30) days from the date of its purchase, except when such period is waived by the Chief of Police or his designee. For numismatic metals there will be a seven (7) day hold period before they can be sold or altered in appearance.
6. Every such licensee shall complete and electronically submit the required Audit Sheet to the Chief of Police, or his designee, on a daily basis, and on an approved form provided by the Police Department, the following information. A legible and correct list containing an accurate and complete description of all precious metals purchased and the prices paid for said items during the preceding day.

Included with this information will be the following: name, address, date of birth, license number and phone number from whom purchased, along with what identification was presented. A Massachusetts Driver's License, Massachusetts Identification Card or a valid ID from any other state is acceptable. A photocopy of said identification shall be copied on the provided form. Additional information shall be the time of day when purchased and the number of items purchased. The licensee shall also supply a colored photograph of each purchased item that are identifiable, unique or unusual. Also, and engraved writing or printing on said goods shall be noted on the reporting form. The licensee shall also supply a colored copy of said Massachusetts Driver's License, Massachusetts Identification Card or valid ID to the Seller. The required Audit Sheet shall be transmitted electronically to the Chief of Police or his designee, including all information, forms and colored copies of said identification using the format that is approved by the Chief of Police.

7. Every keeper of a shop licensed as provided in this Ordinance shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly described thereon and shall keep a book in which shall be written in English, at the time of every purchase, a description of the precious metal so

purchased, the name, age and residence of the person from whom purchased and the day and hour when such purchase was made. Such book and all articles purchased shall at all times be available for the inspection of the Chief of Police or his designee.

8. Every dealer in precious metals shall have suitable scales approved by the Town's Sealer of Weights and Measures. Said scales shall be annually tested and sealed.
9. No dealer or keeper of a shop, as described in this section, shall directly or indirectly, either purchase or receive by way of barter or exchanging any of the articles or a minor, knowingly or having reason to believe him/her to be such.
10. Whoever, not being licensed as required by this Ordinance, deals in, keeps a shop for the purchase, sale or barter of precious metals or whoever, being licensed, is a dealer in any place or manner other than that designated in his license or whoever, after notice to him that his license has been revoked or whoever violates any rule, regulation or restriction contained in his license shall be subject to a fine or not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and each day of such violation shall constitute a separate offense.

A MOTION was made by Vice President O'Connor to refer measure 13 119-Licensing of Junk Dealers and Dealers in Precious Metals Ordinance Amendment to the Ordinance Committee and was seconded by Councilor Smart. A public hearing will be scheduled. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **NEW BUSINESS**

#### **Discussion of Mayor Kay's new automated trash and recycling contract with EZ Disposal Service**

Council President Mathews noted that several Councilors requested that this be included on the agenda, and further noted that the office has received numerous calls and emails. A request was made to the Mayor, by Councilors Hackett and Molisse, to attend this meeting, and he read the Mayor's response into the record:

*"To: Councilors Jane Hackett and Michael Molisse  
From: Mayor Susan M. Kay  
Re: Attendance for Discussion on Trash Program  
Date: August 28, 2013  
CC: Entire Council*

*I appreciate your interest in the new Trash Program which will begin on September 16, 2013. Unfortunately, I have another appointment the evening of September 3, 2013.*



*You are probably aware I will be speaking to the Economic Development Committee on Southfield earlier in the evening at 6:30. I must promptly leave that meeting by 7:15 to be able to make another commitment.*

*I have spoken to many Councilors about the new Trash Program. Please contact my office and I will be more than happy to meet with you to answer any questions you may have. Please feel free to call my cell phone at xxx xxx-xxxx if you do not have time to meet.”*

She attached a list of promotional efforts to the memo:

- 1. An explanation of the new program was first made public at a budget management before Town Council.*
- 2. I described the program at the Annual Town Meeting.*
- 3. The “Mayor’s Monthly Forum” cable show has aired the Trash Program in detail during June and July.*
- 4. Early August a town-wide mailing hit all residents explaining the program.*
- 5. We have held weekly outreach at the Weymouth Farmer’s Market.*
- 6. I have been the featured speaker before Rotary on the program.*
- 7. Additional information went out to each household when they received the carts.*
- 8. In addition to the cable show, WETC has been running blasts on 24 hour loop on channel 11.*
- 9. A community meeting further explaining the program will be held on September 10, 2013 at the Abigail Adams Middle School at 7PM. I hope you will attend. Another will be held if warranted.*
- 10. A “Code Red” reminder call will be sent out to the residents prior to September 16, 2013 (the start date).*

Council President Mathews reported that the following concerns have been made known to the Council:

- The program will work for some families but larger families may not be able to fit all into two barrels.
- In the Mayor’s plan, no concession has been made for the purchase of additional barrels. They would rather be afforded the opportunity to purchase a second barrel rather than take their trash to Braintree and pay additional fees when they already pay a trash fee to the town.
- The Town Council did not have input to the contract. The Mayor is allowed to negotiate contracts, although the Council did not receive as much information as it had hoped to, especially specific to the purchase of a second barrel. Hopefully the Mayor will make that opportunity available and he hopes she will address this at her public meeting.

Councilor Molisse noted that he and Councilor Hackett jointly sent a request to the Mayor for her attendance, specifically because he was not knowledgeable of the new contract. He noted that she stated that information was provided to the Budget/Management Committee, but as a member of that committee stated that he does not recall any such presentation. Trash is a problem in the town and one barrel is not sufficient. It was stated at the Annual Town Meeting that the new contract was going to



be brought up and people would be able to purchase a second barrel. Councilor Molisse believes the issue needs to be further studied, and suggests a referral to committee. This is a health issue. There were separate contracts for the pickup of household trash and condominium pick up. Condo dumpsters are overflowing because they get picked up once a week, the whole issue needs to be addressed. The Council is the checks and balances of the town, and to this end he questions that it is unknown what was expended on the barrels.

Vice President O'Connor echoed the same concerns. It appears that in the tri-town conglomerate that was created, Weymouth by far got the worst deal once again. It's ridiculous to think, and it's shown in Braintree's contract with a different company, that a family of 4 or more could fit the amount of trash they generate in a single barrel. Other communities that have had similar agreements, such as Newton, the residents have the option to purchase additional bags. He stated that it is outrageous to tell the residents that extra trash must be taken to Braintree to be disposed of- he noted that this is not a solution, but clearly a problem and people are concerned. The town may not be able to afford the old way, but he would like the benefit of a better option. We need to have a discussion about what the town is paying for the service, and what it is charging the residents. Councilor O'Connor is not advocating for an increase, but if there were options available at an additional cost it might be favorable. He has requested a summary of the eight bids that were received. He appreciates that the Mayor will hold a public informational meeting, but disappointed she is not present this evening, and this should have been a conversation that took place months ago.

Councilor DiFazio reported that he has also received several calls, but that outside of being able to dispose of more than one barrel of trash per week, he generally has not heard other complaints. He sent a letter to the Mayor requesting information on purchasing additional barrels, and also noted that the Town Council had no involvement with the negotiation of the contract, contrary to what many constituents believe. The history is clear in the contracts negotiated between the Mayor and SSTTDC for public safety services for Southfield. The Council had not input in the contracts, per the charter. To those who say the Council should have been involved, the discretion is with the Mayor whether to discuss with the Council before, during or after entering a contract. The town voted this when it approved the Charter, so that things can get done expeditiously. In all other aspects, it appears this is a good contract and is going in the proper direction.

Councilor Conlon noted that the philosophy of the contract is to encourage citizens to recycle more, which sounds good but may not be practical.

Councilor Burke reported that he has had a lot of positive feedback on the trash program. He also had a conversation with the Mayor and for all purposes, taking additional trash to the Braintree facility is not a practical solution. The recycling will be picked up weekly- a drive around town indicates that many do not recycle. This is a unique program and there will be glitches. It may be beneficial for the town, and while there are many

complainants, he is of the opinion that the town should give it a shot. The Mayor appears to be open to changes.

Councilor Harrington agreed with Councilor Burke and noted that the town where his daughter lives has the same program and with a family of five they are able to work with it. He noted that many will opt to buy the additional barrel and then find they won't need it. He recommends they wait on offering it as the bins are designed to hold a lot. This is an opportunity for the town to increase its recycling efforts by sixfold. He also would like to see the details of the bids. It is all conjecture until the Mayor publicly addresses. He reported he received no phone calls, and three emails from constituents.

Councilor Burke noted that the Mayor's informational meeting will not be a public opportunity for comment, although she invites questions in writing, in advance.

Councilor Lacey reported that he will support a motion to refer the discussion to committee. They were not informed and as a result, any misinformation taints the credibility of the program. They do not as a Council have jurisdiction over the contracts; however, they do have a vote on the appropriation for funding, and he noted that did not recall seeing an appropriation request. If they had it earlier in the process they could have responded pro-actively instead of reactionary.

Council President Mathews noted there are positive aspects to the trash program, there needs to be more recycling and increasing recycling pickup to weekly is good. There is no charge for white good disposal and it was \$25 in the old contract. Many issues need to be addressed, and questioned the cost of the barrels.

Councilor DiFazio reported that with regard to the appropriation, the committee reviews this during the budget review, but while they voted on it at the time, they were not aware of the amount generated from the trash fee. At the time of the budget review, the old contract was due to expire and they were not made aware what the new program would entail.

Councilor Smart reported that when they asked for details of the new contract during a review of the DPW budget on May 7, 2013, they were told that negotiations were underway, and they did attempt to find out the details. It is a matter of not being told they have to try it, but they have to do it because the Mayor signed a ten-year contract and now they must abide by it. He also favors a referral to committee.

**Robert Montgomery Thomas, 848 Washington Street**, tried to interject a point of order. Councilor Smart responded that he was out of order and that this was not a public hearing, but a public meeting.

A MOTION was made by Councilor Molisse to refer the new Trash Contract to the Budget/Management Committee for discussion and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

## **ADJOURNMENT**

The next regular meeting of the Town Council Meeting has been scheduled for Monday, September 23, 2013, due to the Preliminary Town Election on September 17, 2013. At 8:20 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