

TOWN COUNCIL MINUTES
Town Hall Council Chambers
September 23, 2013, Tuesday

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 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
Jeff Richards, Director of Building

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 Jane Hackett reported that the Friends of the Weymouth Public Libraries will host a Halloween costume exchange from today through October 7th. The library will accept clean, gently used costumes in exchange for one ticket per costume donated. On October 10, 2013, participants may exchange their tickets for costumes. (From 5:30-7:30, ticketholders may redeem one costume per ticket; from 7:30 – 8:30 non-ticket holders can choose costumes for a \$2 donation apiece.)

Councilor Molisse announced the sixth annual Weymouth/Braintree Elder Services Senior Walk for Fitness to be held from 10-noon on Wednesday, October 16, 2013, at Pond Meadow Park. This event is open to beginners, intermediate and advanced participants and all entrants will meet at the entrance on Summer Street.

Councilor Conlon announced that Norfolk County Registrar of Deeds William O'Donnell and his staff will be available October 6, 2013 from 10 AM-2 PM in Council Chambers at Town Hall to answer any residents' questions or assist with deed matters. Internet access and information will be available for the Massachusetts Homestead Act and internet-ready computers will be on hand to print out recorded deeds, confirm a mortgage

discharge and other property related matters.

Citation Issuance to Kelly Pimentel-Miss Massachusetts Junior Pageant Award-Councilor Thomas J. Lacey-Councilor Jane Hackett

Councilors Hackett and Lacey presented the citation. Councilor Hackett read the citation and provided some background information on the pageant and Miss Pimentel's interests and hobbies. Kelly is a student at the Frederick C. Murphy Primary School and will represent Massachusetts at the national pageant in November.

MINUTES

Budget Management Committee Meeting Minutes of May 2, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the May 2, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget Management Committee Meeting Minutes of May 8, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the May 8, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget Management Committee Meeting Minutes of May 21, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the May 21, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget Management Committee Meeting Minutes of May 23, 2013

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

Budget Management Committee Meeting Minutes of June 17, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the June 17, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes of June 17, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the August 17, 2013 Ordinance Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of May 20, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the May 20, 2013 Budget/Management Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of June 3, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the June 3, 2013 Town Council meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of June 17, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the June 17, 2013 Town Council Meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Special Town Council Meeting Minutes of August 12, 2013

A MOTION was made by Vice President O'Connor to approve the minutes of the August 12, 2013 Special Town Council Meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

PUBLIC HEARINGS

13 114-Transfer of Unexpended Bond Proceeds

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 114-Transfer of Unexpended Bond Proceeds and was seconded by Councilor Smart. This was published on the 13th of September. UNANIMOUSLY VOTED.

CFO McKinney presented the request with Building Inspector Jeff Richards. They provided a brief history of the original measure, which included \$950,000 for the replacement roof project for the Police Department building. \$750,000 was required, and the balance will be used for other items within the same bond; specifically to re-appropriate for the purchase of additional fire and DPW vehicles.

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 13 114-Transfer of Unexpended Bond Proceeds and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

OLD BUSINESS

Street Paving Management- Councilor Thomas J. Lacey

Councilor Lacey reports that he has fielded numerous calls and there are several issues of concern with patching and abating roadways subsequent to pothole or major utility work. He is requesting a referral to committee to request the Mayor and interim DPW Director address the process.

A MOTION was made by Councilor Lacey to refer Street Paving Management to the Public Works committee. Vice President O'Connor seconded the motion.
UNANIMOUSLY VOTED.

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

13 121-CDBG Authorization 2013-2014

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth accepts the Fiscal Year 2013 – 2014 HUD grants in the amounts of \$690,330 for CDBG. Weymouth's share of the HOME Investment Partnership Grant is \$145,226. Furthermore, that the Director of Planning and Community Development, with the approval of the Mayor, be permitted to expend said grants in their entirety as described on the attached funding allocations list.

A MOTION was made by Vice President O'Connor to refer measure 13 121-CDBG Authorization 2013-2014 to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 122-Appointment to the Historical Commission-Erica Dumont

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth appoints Erica Dumont for Appointment to the Historical Commission, for a term to expire on June 30, 2014.

A MOTION was made by Vice President O'Connor to refer measure 13 122-Appointment to the Historical Commission-Erica Dumont to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 123-Public Consumption of Marijuana Ordinance

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth, through Town Council, amend the Town of Weymouth Code of Ordinances, Chapter 6: Preservation of Public Peace and Order, Section 6-102: Public Consumption of Marihuana (Marijuana), Tetrahydrocannabinol or Marihuana (Marijuana) Infused Products, by adding the following:

SECTION 6-102: Public Consumption of Marihuana (Marijuana), Tetrahydrocannabinol or Marihuana (Marijuana) Infused Products.

- (a) Prohibition – No person, whether in or upon a vehicle, motor vehicle, conveyance or in or upon any bus or other passenger conveyance operated by a common carrier, or on foot, shall burn, smoke, ingest, or otherwise use or consume marihuana (marijuana) tetrahydroconnabinol or marihuana (marijuana) infused products as defined in M.G.L.c.94c, s.1, as amended, and 105 C.M.R. 725.004, while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Weymouth; or in any place accessible to

the public, or on private land or place without the consent of the owner or person in control thereof.

- (b) Enforcement – This ordinance may be enforced through any lawful means in law or in equity by the Mayor, or duly authorized agents, or any police officer of the Town of Weymouth, including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c.40, s.21, or by non-criminal disposition pursuant to M.G.L. c.40, s.21D. Whoever is found in violation of this ordinance shall, when requested by an official authorized to enforce this ordinance, state his true name and address to said official. The fine for a violation of this ordinance shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under M.G.L. c.94C, S.32L.
- (c) Seizure of Controlled Substances – All controlled substances being used in violation of this ordinance shall be seized, held and disposed of in accordance with M.G.L. c.94C, s.47A.
- (d) Severability – If any provision of this ordinance is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.”

A MOTION was made by Vice President O'Connor to refer measure 13 123-Public Consumption of Marijuana Ordinance to the Ordinance Committee and was seconded by Councilor Smart. Council President Mathews reported that this measure requires a legal notice and public hearing. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Kenneth DiFazio

13 114-Transfer of Unexpended Bond Proceeds

This matter was referred to the Budget/Management Committee on August 12, 2013 and a public hearing was held on September 23, 2013. The committee met on September 23, 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 to approve item 13 114-Transfer of Unexpended Bond Proceeds:

“Ordered: that unexpended bond proceeds in the amount of \$160,000 from the Town’s General Obligation Municipal Purpose Loan of 2011 Bonds dated November 2, 2011, originally borrowed for the police station re-roof project under Loan Order No. 11 1102 of the Town Council approved by the Mayor on September 7, 2011, which project is complete and for which no liability remains, are hereby re-appropriated for the purpose of providing funds for Fire and DPW Vehicles under Loan Order 11 102.”

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

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

This matter was referred to the Budget/Management Committee on September 3, 2013. The committee met on September 23, 2013 and voted to forward to the full Town Council with a recommendation for favorable action. Ms. Cohen was invited to the table. She was not present earlier at the Budget/Management Committee meeting and she reviewed her interest and qualifications. She is a retired professor who is looking for civic engagement.

On behalf of the Budget/Management Committee and in accordance with the town charter, a MOTION was made by Councilor DiFazio to approve measure number 13 115-Appointment to the Cultural Council-Judith Beth Cohen; that the Town of Weymouth appoints Judith Beth Cohen of 57 Colonial Rd. to the Cultural Council, for a term to expire on June 30, 2014. This vacancy was created as a result of the resignation of Terry Savoy. UNANIMOUSLY VOTED.

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

Cathy Torrey was invited to the table. She reviewed her interest and activity in the community: Emery Estate Committee, Historical Commission, Abigail Adams, Homestead and League of Women Voters. She is interested in serving on the board.

This matter was referred to the Budget/Management Committee on September 3, 2013. The committee met on September 23, 2013 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee and in accordance with the town charter, a MOTION was made by Councilor DiFazio that the Town of Weymouth appoints Cathy Torrey of 14 Riverbank Rd. to the Board of Library Trustees, for a term to expire on June 30, 2016. UNANIMOUSLY VOTED.

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

She was invited to the table and expressed her interest in serving on the Recreation Commission.

This matter was referred to the Budget/Management Committee on September 3, 2013. The committee met on September 23, 2013 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee and in accordance with the town charter, a MOTION was made by Councilor DiFazio that the Town of Weymouth appoints Barbara Nieters-Kearney of 105 North St. to the Recreation Commission, for a term to expire on June 30, 2014. This vacancy was created as a result of the resignation of Colleen Kelly.

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

Janet Tatten McGrath was invited to the table and reviewed her interest to serve on the Scholarship Fund Committee.

This matter was referred to the Budget/Management Committee on September 3, 2013. The committee met on September 23, 2013 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee and in accordance with the town charter, a MOTION was made by Councilor DiFazio 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. This vacancy is a result of the resignation of Claire Cunningham. Councilor Hackett recognized the service Claire Cunningham has provided the town over many years.

Issue: Mayor Kay's New Automated Trash and Recycling Contract with EZ Disposal Service

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on September 3, 2013. The committee met on September 23, 2013. He provided an interim report and reported that the matter will remain in committee while the bids, contract, financial aspects and complaint reports are further reviewed.

Economic Development Committee- Chairman Burke

Discuss actions and Next Steps Specific to Official State Audit Report of South Shore Tri-Town Development Corp.

This matter was referred to the Economic Development Committee. The committee met most recently on September 3, 2013 and Councilor Burke read the following progress report into the record:

"On behalf of the Economic Development Committee, I would like to bring the Council up to date on our progress thus far with the referral of"Discuss Actions and Next Steps Specific to the Official State Audit of South Shore Tri Town Development Corporation."

The committee has met 3 times since the referral. The first meeting Committee members discussed their concerns with the audit and we decided the direction the committee would pursue to respond to the referral and report back to the Council. The committee voted to request copies of all municipal contracts for SSTDC for the 2013 and 2014 fiscal years for review by the Town's auditor. At the committee's request Mr. Swanson is conducting the review at the offices of SSTDC because of the volume of the contracts made copying them impractical.

We then met as a committee with Mayor Sue Kay. Mayor Kay was able to fill us in on some of the interactions she has had with South Shore Tri Town Development Corporation and her concerns for some of the items that were pointed out in the audit. She was concerned that the audit only focused on South Shore Tri Town Development Corporation and did not mention the developer at all.

I privately met with Mr. Kevin Donovan, CEO of the Tri Town Development Corporation, in an attempt to pave the way for an appearance before the committee. I was unsuccessful in my quest, but he did offer his personal cell phone number for use by any Councilor that wished to contact him with questions and concerns. I placed a copy of the number in your individual mailboxes this evening. Mr. Donovan reminded me that he works for the Board of Directors. I would suggest that if we wish to have Mr. Donovan appear in these Chambers that the request is sent to his employers.

The latest meeting of the committee was attended by Weymouth's representatives on the South Sore Tri Town Development Corporation's Board of Directors, Chairman Joseph Connolly and Director Jeffrey Wall. The Directors addressed some of the major concerns the committee had related to plans for permanent water and sewer services and the consulting contract deficiencies pointed out in the audit. They noted that dependency on consultants has been reduced as the Corporation got up and running and employed staff members with expertise in some of the areas. They updated us on the search for a permanent source of water and sewer services. They are currently in discussions with Abington and Rockland to provide service in conjunction with the town of Weymouth to meet the needs of the development at full build out. Abington and Rockland are currently in the permitting process with the State with regard to capacity to provide the service. Nothing concrete yet.

In addition to the committee meetings, I attended the last meeting of the Tri Town Corporation's Advisory Board, and listened to their discussion of the audit and the Advisory Board's response to the issues pertaining to them as pointed out by the audit. Mainly they were taken to task for not communicating with local communities and the Governor's office. They will address those issues in a letter to the State Auditor's office.

I have also accepted an invitation to meet with representatives of the Starwood Corporation to discuss some of the changes they will be requesting for the project as they take over. They will make their official presentation to the SSTTDC Board of Directors at their October 7th meeting.

Mr. President, I would like to thank the members of the committee for their diligence and effort thus far, and thank the entire Council for their patience. I feel the committee is not ready to make any recommendations to the Council at this time as the full picture is still unfolding. I foresee at least 2 more meetings after the October 7th meeting of the Board of Directors of SSTTDC. Therefore I request that this referral stay in committee for the time being."

A discussion followed Councilor Burke's report. Councilor DiFazio reported that he was not present at the last meeting. He asked Councilor Burke if it was true that Mr. Connolly indicated he has met with the three communities and is confident they will soon have a permanent water source. Councilor Burke confirmed that is what was stated. Abington and Rockland are currently applying to the state to increase the water permitting and Weymouth would cover the remainder. His understanding from meeting with Mr. Donovan is that they are looking to have two systems to cover the water needs, and it

would likely be a 60/40 split, but expect that between the three communities, they would be able to meet the entire need. Councilor DiFazio noted the lack of response for twelve years and now they hear that all of a sudden and unbeknownst to them, this is how the water needs will be met. He is also of the belief that Starwood will come in with a revised plan that includes all residential and no commercial development. Councilor Burke confirmed that is what appears to be indicated. Starwood is not a commercial developer. He also indicated that no plan has been presented yet and it is in negotiations.

Councilor McDonald indicated this is all speculation and from what has been reported in the paper, they may be looking to move forward with residential until there is a permanent water solution. Vice President O'Connor reported that he was present at the first discussion and requested a list and copies of the contracts for lobbying and consultant paid fees. The response from Mr. Donovan was that the information was filed in three cabinets at Southfield and the town can send their own auditor to review and obtain their own copies. Vice President O'Connor reported that while Mr. Donovan was CEO it was a mismanaged organization, and being this is the largest redevelopment project in the history of the state south of Boston, the town deserves better and more response than it has under his watch. It was a terrible audit report, which cited that they should have put in place certain changes as a result of it, but it appears there is still much misinformation. He commended the work of the committee.

Councilor Lacey echoed Vice President O'Connor's comments, and stated that he was not surprised by Mr. Donovan's response. Over the last few years, they have resubmitted free cash to the next year's budget under Mr. Donovan's direction. While drawing a 6-figure salary and moving funds to OPEB accounts, they have operated in an incubated isolated office. There is no water or sewer plan; nor is there any commercial or biotech development; only residential build out. The arrogance continues and they are violating the enabling legislation by not returning revenues to the three communities-which was to be their top priority. He will not stop advocating for the enabling legislation and is disappointed, but not surprised.

Councilor Harrington asked to have many issues examined. It has become apparent to him that the tax base is out of balance by relying too heavily on residential, and to hear that the current thrust is 100% residential is disheartening. This town has had to reduce staffing over the last several years to keep up with school spending. If the current proposal is residential only, the town will not be able to handle the costs simply from residential taxes. He would like to see other ideas brought forward. With its proximity to South Shore Hospital, it would be an opportunity to plan a senior citizen community- no children to add to the school cost, and all of the money could go to the tax base. He speculated whether Starwood should profit on it. Council President Mathews requested the discussion be specific to the Economic Development Committee's report and steer clear of speculation. Councilor DiFazio reminded that the scope of referral included more than just the contracts. The history is there; there were contracts entered without their review, and now it appears a change in the development plan also without prior knowledge. He also noted that the question was raised as to what constitutes "excess revenues" and that has not been answered yet. Now to hear they want more water than

the Mayor has offered; is an issue every councilor needs to keep an eye on. They cannot take a back seat and wait to see what happens. Councilor McDonald concluded that until there is a firm plan presented, it's all speculation. He looks forward to Auditor Swanson's review of the paperwork and the committee will continue to update the Council.

NEW BUSINESS

13 120-Call of the Town General Election-Vice President Patrick O'Connor (action under 2-9b)

A MOTION was made by Vice President O'Connor to consider item 13 120-Call of the Town General Election under 2-9b, and was seconded by Councilor Smart.

UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to approve 13 120-Call of the Town General Election as read:

"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 TOWN GENERAL ELECTION TO VOTE ON TUESDAY, NOVEMBER 5, 2013."

The motion was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Weymouth Firefighter's Local 1616 Breast Cancer Awareness Month Resolution

Vice President O'Connor read the following resolution:

"Whereas, breast cancer touches the lives of Americans from every background and in every community across our nation;

Whereas, although we have made great strides in combatting this devastating illness, more than 200,000 women will be diagnosed with breast cancer this year, and tens of thousands are expected to lose their lives to the disease;

Whereas, During Breast Cancer Awareness Month, we honor those we have lost, lend our strength to those who carry on the fight, and pledge to educate ourselves and our loved ones about this tragic disease;

Whereas, the Weymouth Town Council and the Weymouth Fire Department Local 1616 encourage women and men to speak with their health care provider about breast cancer and to visit www.Cancer.gov to learn more about symptoms, diagnosis, and treatment;

Whereas, the Weymouth Fire Department Local 1616 will be wearing pink shirts during the month of October to raise breast cancer awareness while on duty and selling pink

shirts at the September 28th Farmers Market and the October 5th Great Pumpkin Give-a-Way in order to raise funds for the Susan G Komen For the Cure Foundation;

Whereas, Weymouth Town Councilors are encouraged to wear pink at our October 21st meeting in order to raise breast cancer awareness;

Now therefore, The Weymouth Town Council and Weymouth Fire Department Local 1616, recognize the month of October as Breast Cancer Awareness Month in the Town of Weymouth. During this month, we stand with the mothers, daughters, sisters, aunts and friends who have been affected by breast cancer, and we recognize the ongoing efforts of dedicated advocates, researchers and health care providers who strive each day to defeat this terrible disease. In memory of those living with the disease, let us strengthen our resolve to lead our community and our nation toward a future free from cancer in all its forms.”

Firefighters Rick Ramponi and Jim Young presented the resolution on behalf of the Weymouth Fire Department. They thanked Chief Stark for allowing the department to change their uniform color for the month of October. All proceeds from the sale of pink T-shirts will be donated to the Susan G. Komen fund.

A MOTION was made by Vice President O'Connor to consider Weymouth Firefighter's Local 1616 Breast Cancer Awareness Month Resolution under 2-9b, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to ADOPT Firefighter's Local 1616 Breast Cancer Awareness Month Resolution and was seconded by Councilor Smart. Councilor Hackett endorsed the motion. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, October 7, 2013. At 8:36 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, Council President