

**TOWN COUNCIL MINUTES
Town Hall Council Chambers
November 13, 2012, 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
Michael Molisse, Councilor
Michael Smart, Councilor

Not Present: Brian McDonald, Councilor

Also Present: Michael Gallagher, Director of Administration &
Community Services
George Lane, Town Solicitor
Kathy Deree, Town Clerk
James Clarke, Director of Planning & Community
Development

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 had a prior family commitment.

ANNOUNCEMENTS

Councilor Conlon thanked retiring Fire Chief Robert Leary for his years of service and expressed his hope for an enjoyable retirement.

Vice President O'Connor reported that the Public Safety Committee meeting originally scheduled for November 15, 2012 would be postponed to the following week.

Public Works Committee Meeting minutes September 24, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Public Works Committee Meeting of September 24, 2012, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting minutes September 24, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council Committee Meeting of September 24, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting of October 1, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council Meeting of October 1, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting of October 15, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Ordinance Committee Meeting of October 1, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting of October 15, 2012

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council Meeting of October 1, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Resident notification regarding street work-Donald Stewart of 549 Essex Street

Donald Stewart expressed his concern with the manner in which the DPW notifies the owners when work is conducted on their properties. He reported that tree cutting was conducted with no knowledge and he comes before the Council to complain about the lack of communication from the department. In August of 2012, while he was away on business, the DPW replaced water mains on the street and a temporary hose was accidentally hooked up to a well outlet instead of the house. A fire hydrant was also hooked up on his property without notification after a neighbor requested the DPW relocate it. He is concerned that the DPW does not have to follow the same notification procedures that public utilities are required. He referred to a discussion held with a DPW employee regarding moving the hydrant. Solicitor Lane noted that Mr. Stewart's comments regarding any particular DPW employee are subject to discussion in executive session with a 48-hour notice requirement. Mr. Stewart revised his statement. He requested the Town Council review and provide some protection to residents by way of an ordinance. He will address the hydrant on his property further with the Mayor.

Councilor Lacey reported that he has also had a discussion with the Mayor about DPW notification when projects impact personal property. The DPW Director has responded to the particular incident and acknowledges there was some lack of notice, but that in the future notification procedures that are in place will be followed. Solicitor Lane acknowledges there was an inadvertent failure to follow usual procedure by DPW, which the Director has acknowledged. There was a brief discussion.

A motion was made by Councilor Lacey to refer this matter to the Ordinance Committee for further review and was seconded by Councilor Hackett. Solicitor Lance noted that public utilities are required under state statute to give notification. President Mathews

responded that the solicitor will be invited to the meeting. Mr. Stewart asked to be called or emailed when the meeting will take place. UNANIMOUSLY VOTED.

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

OLD BUSINESS

South Shore Tri-Town Development Corporation-Update from Weymouth's Board of Directors Representatives

Jeff Wall and Joseph Connolly, Weymouth's appointees to the Board of Directors for South Shore Tri-Town Development Corporation, were invited to the table to provide an update. Mr. Connolly reported that they last were before the Council in May and put together an update that will touch upon several questions the Council has. Since May, SSTTDC has entered into Police and Fire service agreements with the town and amended the water and wastewater agreement. They are currently in negotiations for an educational service agreement and cannot comment at this time. Once an agreement has been reached, a copy will be forwarded to the Council.

The East/West Parkway is nearing completion and should be open in spring, connecting Weymouth Street in Rockland to Shea Memorial Drive in Weymouth, which will provide the connection to Route 18. Environmental clean up is still progressing under the oversight of the DEP and EPA. The Board of Directors has received information from LNR informing that they are still working towards their goal of public amenities, but are struggling with the commercial market. LNR has also indicated that they are aggressively pursuing plans for the recreational complex; however it must be noted that without these amenities being completed and without the completion of 300,000 square feet of commercial space, continuance to Phase II cannot be accomplished.

Tri-Town is aggressively seeking a permanent solution to the issue of water and wastewater and feel strongly that this issue will be resolved prior to their next visit to update the Council. Furthermore, they have recently received questions regarding excess tax revenue and when the three towns will receive any of those funds. Tri-Town has obligations both on and off the base with regard to infrastructure and are required by the reuse plan to meet those obligations. If it was to distribute any surplus revenue as some have asked, then there will not be funding available to meet the obligations under the reuse plan, inclusive of finding a permanent water and wastewater source.

The state auditor has just completed a review of Tri-Town obligations and operations and will issue a report shortly. This report will address the excess revenue issue and the board recommends waiting for that report before issuing any declarations.

On the topic of revenues, Mr. Connolly reviewed what revenues the town has received from the base:

\$2,200,000 – connection fees, Phase IA

\$15,000 - FY11 Connection mitigation fees
\$300,000 – projected FY12 connection mitigation fees
\$4,500,000- Host Community Agreement-water/sewer mitigation

\$6,700,000 – received by the town

Councilor Lacey noted that the Mayor has recently appointed him to the SSTTDC Advisory Board and noted that it is important to the Council to balance the build- out approach to ensure its success, and to efficiently manage operating costs. He is glad to hear Mr. Connolly speak to the importance of completion of commercial and recreational before proceeding to Phase II. That was a key component of the agreement and it's good to see they are being held accountable for that. Councilor Lacey noted his perception that Mr. Wall and Connolly left last time with the concern of the Council with regard to free cash. While he understands they do not want to go into too much detail until the auditor's report is released, but he has a few items of concern. At the last meeting it was brought up that it was important that the project move forward not as a municipality, but to efficiently build- out so that free cash would go back to the three towns. He thanked the Mayor for the opportunity to serve on the Advisory Board, which has oversight specific to fiscal matters. He had the opportunity to sit in on two meetings recently and brought back three concerns he'd like to address. He also received a copy of the 2012/2013 budget and had numerous discussion with key stakeholders in preparation for serving on the board to manage the role with utmost responsibility. Councilor Lacey's first area of concern is that the organization is growing too rapidly on a personnel front and this is driving increased cost to the project. At the last meeting he witnessed approval of building inspectors and a request for a veterans' services agent, without public hearings being held. There are several accounting positions, a DPW and water manager. Aside from the service agreements for public safety and education, his personal opinion is these are roles and responsibilities that can be provided at a premium from the three host communities, rather than filling these positions and their associated long-term benefits.

SSTTDC is picking and choosing when it wants to act like a municipality, or a corporation; for example, the "Town Hall" sign which gives the perception of where it wants to be and this is on the leadership of Tri-Town.

Additionally, at a meeting on the 15th, Councilor Lacey witnessed an appropriation of \$700,000 on a supplemental budget of \$3.4 million, with no public hearing or public input. From a municipal standpoint, this appropriation requires a public hearing, particularly on a supplemental of that size. The very next measure Mr. Wilson presented to the board asked not to relieve excess revenues to the three communities. That measure had no documentation, it had no dialog- it was just Mr. Wilson's recommendation to request the board vote by the measure not to give back free cash excess revenues for 2012 back to the three communities. Councilor Lacey noted he is still learning this process, but these actions did not sit well with him and he left the meeting with major concerns.

The goal of the Southfield project is to build- out and give back the money to the three host communities; it's the enabling act and the spirit of the legislation. The other concern

he has is with the overall fiscal management. There are significant costs in the budget under “other professionals” and significant fees in consultants and lawyers. In reviewing overage and budget line items, there are many in pro- forma and miscellaneous costs. He noted that Kevin Donovan and Jim Wilson are spending out of control.

Councilor Lacey stated that the three communities deserve better than that and are owed that free cash as soon as possible. He asked that the board continue to hold the corporation accountable and to follow the guidance and the spirit of the enabling legislation. Councilor Lacey notes he intends to be an active and a vocal participant in his role as SSTTDC Advisory Board member. He looks forward to working with Mr. Wall and Connolly, but believes he needs to be candid about his initial observations of the project. His activism will remain loud and consistent when he witnesses inconsistencies.

Jeff Wall thanked Councilor Lacey for volunteering to serve on the advisory board. He noted the vote taken on excess revenue is mandated by the DOR in order to set a tax rate. He will obtain language from DOR as clarification. As to the \$700,000 supplemental request; \$542,000 was to pay for the students living on Southfield who attend Weymouth Public Schools, and had not been previously budgeted. They were unsure when setting the original budget how many students would attend schools. It has been set aside to fund when the agreement has been reached.

He and Joe Connolly share the councilor’s concern regarding the salaries and how fast the project is growing. There are currently 6 full time and 2 part time employees. It will be reviewed in the coming year and the state auditor’s report will indicate the first actual snapshot of where the corporation is in terms of number of employees necessary. Mr. Connolly noted that the meeting at which Councilor Lacey referred to where budget measures were voted was a public hearing. Councilor Lacey responded that the specific measure, a supplemental budget request consisted of discussion, vote, approval and comments from the public were not solicited. He noted he referenced it in terms of when the corporation chooses to operate like a municipality versus a corporation. Erecting a town hall sign in front of a building and then not following what every town and city has to follow when hearing a budget matter is picking and choosing in his opinion. Mr. Connolly responded that every hearing is posted and open to the public. As to hiring too quickly- Weymouth priced itself out of competition for one position that was posted. Those that were hired are on an hourly basis without benefits. Councilor Lacey asked if all bid positions are offered to Weymouth, Rockland and Abington first. Mr. Connolly responded that some have been, as this is their goal.

Councilor Lacey noted he looks forward to the auditor’s report. He thinks that if its DOR’s mandate to vote not to disburse free cash, then he would advocate certifying free cash on a more timely basis. This would force the organization to get their fiscal house in order so that DOR can certify free cash. Councilor Lacey’s personal opinion is that educational funding should have been included in the original budget; even so, there still was \$250,000 that could have gone back to the three communities.

Mr. Wall noted the state auditor is addressing excess revenue in this audit.

Councilor Smart concurred with Councilor Lacey that the size of the structure is a concern. He asked for an update on the funding for the second phase of the East/West Parkway. Mr. Wall responded that it is pending state funding. The grant funding to finish the parkway and the improvements are pending. Mr. Connolly noted that he received an email today that the project was not chosen for a grant applied for through Secretary Bilecki and MassDOT for this fiscal year. The grant was to help fund phase I of the East/West. There is a clawback on it, and they are in negotiation with the DOR. If impacted, Tri-Town will have to come up with the funding. Councilor Smart asked for confirmation that all students who attend WPS from Southfield will be paid for by the corporation. Mr. Connolly responded that is the intent. There are currently 22 children attending grades K-12 and 1 pending. Of those, 12 were previously enrolled in Weymouth and were already accounted for in the budget.

Councilor Hackett followed up on the schoolchildren reimbursement issue noting that 12 were enrolled in WPS in FY12 and there are 11 new students. Councilor Hackett noted that the corporation is responsible for every child who attends the schools. She also asked about the parkway. Mr. Wall reviewed the portions of the parkway project. The first phase will soon be complete; the second phase is seeking funding for the current fiscal year. She asked about the \$439,000 in the current budget to pay for the job. Mr. Wall responded that there is a clawback provision. The numbers between the state and the corporation differ and negotiations are ongoing. They budgeted conservatively and are determining how the formula is interpreted.

Councilor Hackett noted that Representative Mariano has worked exceptionally hard on this project for over ten years and only represents one community. She is concerned with hearing “DOR says” and everyone accepts it. The Southfield entity is unique. In the large picture, there needs to be greater communication between the entities, including the Commonwealth, so that it is clear. The point that Councilor Lacey makes, that the purpose of the redevelopment is to close the base and return revenues that the communities used to receive for activities that once occurred on the base, is correct and we are losing site of this. It’s a correction of a loss of revenues. She is also concerned that the town was not receiving revenues for services being provided and included in the corporation’s budgetary process. The critical step was taken to negotiating agreements and setting up to receive those revenues, for appropriate same-year revenue flows. She is concerned with comments made at the state level that might adversely affect those who will be providing services. She believes that there needs to be a meeting between the communities, the corporation and the state to work with the state regulators on behalf of Tri-Town. Mr. Wall concurs that Representative Mariano has been working tirelessly for the project. DOR is taking an extremely conservative approach to all of the corporation’s actions because it is a new entity, but he agrees there are conflicts that need to be worked out.

Vice President O’Connor shares many of his colleagues concerns. It’s important to get as much funding from the project for the education of the students. He hopes they are actively negotiating.

Councilor Molisse asked the status of the water/ wastewater search. Mr. Connolly noted that several sources have been solicited and one looks good, but because they are currently in negotiations, he cannot discuss. He is hopeful there will be an agreement within 60 days. Councilor Molisse asked why the grant funding was not approved. Mr. Connolly responded that there were numerous applications for limited funding; this project was not deemed to be at the level that other projects were.

Councilor DiFazio noted that excess revenue came to a head when the town accountant, Mr. Hart of Rockland – at any time prior to then did either lobby to determine a definition of free cash, or to have excess revenue returned to the communities? Mr. Wall responded that Mr. Hart did not address the Board. Councilor DiFazio responded that Mr. Hart did address Rockland at which time representatives from the SSTITDC were in attendance. Mr. Wall noted he was not at the meeting, but the reuse plan and the enabling legislation spells out the financial obligation of the SSTITDC. It's now time to look at when excess monies are realized and when it should go back to the towns. It's time for a healthy discussion. It will be addressed by the auditor reports. Councilor DiFazio asked about the progress on permitting a wastewater treatment plan. Mr. Connolly responded there is no progress. Councilor DiFazio noted that the town currently provides water, which is a burden on the town no matter the reported safe yields. Many citizens believe we should be protecting our water source. Tri-Town has recently elected to contract for feasibility studies, and contemplate Weymouth increasing its supply to Southfield.

Councilor DiFazio questions if based on citizen concerns in Weymouth that do not want Southfield provided with any more water than it is already providing, if the board will actively lobby in favor of Weymouth. Mr. Connolly responded that is the reason why the board is seeking an alternative water source.

Councilor DiFazio asked if the bids went out for inter-municipal public safety to other communities besides Weymouth? Mr. Connolly responded that under the terms of the enabling legislation, they are required to go first to the host communities. Right now, a call made to 911 goes to Weymouth. As the project expands into development on Rockland and Abington land, they will look to those communities for bids. Under the amendment to the MOA reducing water rates to Southfield by 60% on the first 6,700 gallons of water, will Southfield likewise reduce rates to the residents? Mr. Connolly responded that the board never promised rates to the residents; that was by the developer. Mr. Wall noted again, that is why a water source is being negotiated; Weymouth is turning a profit on water to the citizens of Southfield as is SSTITDC.

Councilor Conlon asked if the bid went out for police and fire contracts to the other two communities and read the following statement:

“I would like to make a statement to the public. I have concerns about the police agreement in how it will affect public safety. As your Councilor, it is my responsibility to Weymouth residents to ensure that the streets are safe, and we have sufficient police personnel to handle citizens’ requests for help. I have been in law enforcement on the

federal, state and local level. For 12 years, I served as a SFD Agent with the Army Criminal Investigation Division, both on active duty and reserve duty. I also served on the Massachusetts State Police for 2 years as a trooper. After 34 years, I retired from the Boston Police Department with the rank of Lieutenant. For my last 12 years, I served as commander of the day shift.

The most important aspect of policing is to have sufficient personnel to handle all 911 emergency calls. Staffing is determined by the level of crime and the size of the jurisdiction. Prior to the signing of this contract with SSTDTC, Weymouth barely had enough police personnel to handle the rise of violent crime, such as:

- 1. armed thugs with guns and knives assaulting each other in one of our neighborhoods, just a week ago. They were from out of town. I don't know if it was a gang related assault*
- 2. Numerous bank robberies*
- 3. Numerous business robberies*
- 4. Drug dealers*
- 5.*

And it appears most of the arrestees are from out of town or have just recently moved to ply their trade in Weymouth. I can recall when I was a young Boston Police officer finishing my tour of duty and leaving all the crime behind me in my rear view mirror and heading to my home in Weymouth, but now it is here. We are a town with city crime.

The police agreement was signed between the town of Weymouth and Tri-Town on July 1, 2012. I just recently received a copy of the contract. I didn't have enough time to digest all of the points in the police agreement. I have questions that need to be answered by the administration. The public needs these answers:

- 1. Did the police chief sign off on the agreement?*
- 2. Did Weymouth police officials have any input into this agreement?*
- 3. Since the Weymouth Police Department will be increasing their patrol area, will we have a sector added, manned on a 24-hour basis?*
- 4. Since Weymouth only has single officer units, will a 2-man rapid response unit be added to patrols on all shifts?*
- 5. Paid details are mentioned in the agreement. A paid detail is always performed by an off-duty officer for a 4-hour minimum. Why are on-duty police officers performing this detail, depleting the already scarce police presence?*
- 6. If National Grid hired a detail they would have to use an off-duty police officer and pay him the per hour minimum. Why was Tri-Town allowed an exception to use on-duty personnel?*

The last thing that I want to say is that the Town Council had no input into this agreement.

Councilor Harrington noted that the town received a petition on October 10, 2012, signed by Southfield residents, protesting their water rates. He understands the logic but doesn't

understand why it occurs. Several residents are moving out once their leases are up, and it will serve to keep out commercial users also. It's a public relations nightmare. What can be done so that residents don't feel as if they are being charged usurious fees. He also noted that the Boston Globe is planning coverage of this story in the next few days.

Councilor Burke asked what veterans' services are budgeted? Cities and towns of 12,000 are required to have a director. State law requires every city and town to have a veterans' agent. Unless it considers itself a municipality, it doesn't need its own. Councilor Burke also asked about the 12 students who moved from Weymouth to Southfield- Weymouth taxpayers should not be paying to educate students who were not supposed to cost anything. Mr. Connolly responded that he couldn't answer that while still in negotiations.

Council President Mathews requested a copy of the audit once SSTITDC receives it. He asked if the permanent water source issue may be resolved in 60 days and if it includes Phase IA & IB? Mr. Connolly responded that the source would have to provide enough to full build out. Eliminating Weymouth completely would be a goal. Council President Mathews responded that he would prefer that. He also recommended that once a permanent source is chosen, the SSTITDC should then look to begin to investigate a sewerage treatment plant.

Councilor Conlon suggested the \$5000 for veterans' services could be transferred from the SSTITDC to the Weymouth Veterans' agent as a show of good will.

Councilor Burke noted he attended the dedication on Southfield for memorials to three host community veterans who died in action, including Weymouth's Andrew Farrar, Jr. that was nicely done. He suggested it is not necessary to put items in the Southfield budget that are already covered under state law.

Councilor DiFazio noted that based on the responses received, he is not in favor of providing services that the enabling legislation doesn't require Weymouth to provide. He noted that providing services results in short and long term effects to Weymouth. History indicates both public safety agencies are understaffed and grant funding has dwindled. The Fire department has already publicly noted that they will require more equipment and manpower to provide additional services to Southfield.

Councilor Harrington asked what long-term benefits are provided to the 6 full time employees. Mr. Connolly responded that they are paid through SSTITDC and are in the Plymouth County Municipal Retirement system.

Councilor Smart asked that a copy of the SSTITDC budget be provided to the Council. Councilor Lacey also asked for an organizational chart that includes salary packages for all SSTITDC employees.

PUBLIC HEARINGS

12 111-National Grid-Gas Main for Mill Road/West Street

A motion was made by Vice President O'Connor to OPEN the public hearing on measure 12 111-National Grid-Gas Main for Mill Road/West Street, and was seconded by Councilor Smart. Abutters were notified on November 5, 2012. UNANIMOUSLY VOTED.

Dennis Reagan, Representative of National Grid, requested to install and maintain approximately 100 feet, more or less, of 2-inch gas main in Mill River Dr., Weymouth, from the existing 3-inch gas main West Street southerly to house #17 for a new gas service.

Councilor Smart reminded Mr. Reagan with regard to the town ordinance requirement as to trenching, etc. Mr. Regan responded that all requirements will be addressed in the preconstruction meeting.

Richard Perkins, 122 Mill River Dr. asked how long the project will take once construction is started. He also noted the measurements on the map are not to scale. Council President Mathews noted the map indicates measurements are approximate. He requested future applications provide that the map matches more closely to the application. Mr. Reagan reviewed the process. Councilor Lacey asked if the proposal was solicited to other residents. Mr. Regan noted that it was not – marketing and sales were approached for the request for service.

A motion was made by Vice President O'Connor to CLOSE the public hearing on measure 12 111-National Grid-Gas Main for Mill Road/West Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A motion was made by Vice President O'Connor to consider item 12-111 National Grid-Gas Main for Mill Road/West 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 item 12-111-National Grid-Gas Main for Mill Road/West Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

12 114-National Grid-Gas Main for Cedar Street

A motion was made by Vice President O'Connor to OPEN the public hearing on measure 12 114-National Grid-Gas Main for Cedar Street and was seconded by Councilor Smart. Abutters were notified on November 5, 2012. UNANIMOUSLY VOTED.

Dennis Reagan, Permit Representative for National Grid, reviewed the request to install and maintain approximately 45 feet, more or less of 2-inch gas main in Cedar St., Weymouth, from the existing 2-inch gas main near house #100 southerly to house #167 for new gas service.

Council President Mathews noted the DPW Director's memorandum with regard to the catch basin in the vicinity of the proposed gas main extension and read the Engineering Department's comments: "Care should be taken when digging near this structure and its associated pipe. Please call DPW for inspection prior to digging near the catch basin."

Council President Mathews asked if the application is approved to expedite the process before the weather changed.

Dave Cotter, 167 Cedar St. reported he had applied for new gas service in August and would appreciate favorable action this evening.

A motion was made by Vice President O'Connor to CLOSE the public hearing on measure 12 114-National Grid-Gas Main for Cedar Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A motion was made by Vice President O'Connor to consider measure 12-114 National Grid-Gas Main for Cedar 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 measure 12-114-National Grid-Gas Main for Cedar Street and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

12 113-Community Preservation Committee-Legion Field Memorial Wall Iron Work

A motion was made by Vice President O'Connor to OPEN the public hearing on item 12 113-Community Preservation Committee-Legion Field Memorial Wall Iron Work, and was seconded by Councilor Smart. This was published on November 2,2012. UNANIMOUSLY VOTED.

James Clarke, Planning Director, presented the request through CPC to pay the retainage bill. This is the retainage to DeAngelis Iron Works. Councilor Smart asked that all close out documents are in order, punch- lists submitted before that final bill is paid. Mr. Clarke responded that the architect will sign off before the bill is paid.

A motion was made by Councilor Smart to CLOSE the public hearing on item 12 113-Community Preservation Committee-Legion Field Memorial Wall Iron Work, and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

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

12 115-Free Cash Receipts-Special Purpose Stabilization Fund

Michael Gallagher requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$108,080 from free cash to be transferred to the Special

Purpose Stabilization Fund-Capital Projects. This matter requires legal notice, a public hearing and 2/3 vote of Council.

A motion was made by Councilor Smart to refer measure 12 115 to the Budget/Management Committee and was seconded by Councilor Lacey.
UNANIMOUSLY VOTED.

12 116-Appointment to the Community Events Committee-Lori DiBona

Michael Gallagher requested on behalf of the Mayor that the Town of Weymouth appoints Lori DiBona of 90 Sea Street, Unit 114 to the Community Events Committee for a term to expire on June 30, 2015, to fill the vacancy due to the resignation of Barbara Hughes.

A motion was made by Councilor Smart to refer measure 12 116 to the Budget/Management Committee and was seconded by Councilor Lacey.
UNANIMOUSLY VOTED.

12 117-Validation of actions taken by Assistant Tax Collector

Michael Gallagher reported that this measure should read: "Validation of actions taken by Assistant Tax Collector." The Mayor submits the measure for Town Council approval and for final submission to the General Court of Massachusetts for enactment as follows:

*"Town of Weymouth
Validation of Actions taken by Assistant Tax Collector*

AN ACT validating the actions taken by Assistant Tax Collector , Rosemarie Driscoll, in the Town of Weymouth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

- 1. Notwithstanding section 39C of Chapter 41 of the General Laws or any other general or special law or charter provision to the contrary, the acts and proceedings taken by Rosemarie Driscoll, Assistant Tax Collector f the Town of Weymouth, in signing for the Weymouth Tax Collector, Instruments of taking pursuant to Section 54 of Chapter 60 of the General Laws, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the extent as if the said Rosemarie Driscoll, Assistant Tax Collector, was authorized to sign under the hand and seal of the Tax Collector Instruments of taking pursuant to Section 54 of Chapter 60 of the General Laws;*
- 2. This Act shall take effect upon its passage.*

Prior to the act taking effect upon its passage, the General Court may make clerical or editorial changes to the bill and may make other amendments within the scope of the general public objectives of this petition, provided the same are approved by the Mayor prior to enactment and final form by the General Court."

Solicitor Lane reported that there have been changes over the last few years concerning CFO's and Assistant CFO's. There was a statute- Ch. 41 Section 39C- indicating that an assistant tax collector may perform many of the same duties as the tax collector; however, there was an add-on to that statute: "however, the assistant collector cannot be authorized to sign for the collector Instruments of taking," pursuant to sections 54 of section 60. He reminded the Council that this appears in Chapter 41 of the general description of officers and not in the taxing section, which is Chapter 59, Section 60. Certain instruments got to record that were signed by the Assistant Tax Collector and recorded in the Registry of Deeds. Recognizing the prohibition under Section 39C of Chapter 41, and because of the fact water and sewer bills that are delinquent may be committed to the tax title process, this request is that the Council submit, as requested by the Mayor, to the General Court an Act validating the acts of the Assistant Tax Collector in signing those instruments of taking which were recorded. It was not something that was realized by them; it was in a very obtuse place, however, it needs to be corrected due to several tax takings that were accomplished by that office.

A motion was made by Vice President O'Connor to refer measure 12 117 to the Ordinance Committee and was seconded by Councilor Smart. Councilor Smart asked if a public hearing is required. Solicitor Lane responded one is not. UNANIMOUSLY VOTED, 10/0.

Pavement Management Systems-Analysis of existing pavement and sidewalk conditions

Michael Gallagher requested on behalf of the Mayor and DPW staff, to present findings by the consultant hired by the town, to produce a study for pavement management. This is a system that will allow that DPW consider street and sidewalk management. He reported the Mayor looks forward to the DPW director and consultant presenting their findings and how it will be utilized going forward.

A motion was made by Vice President O'Connor to refer the issue of "Pavement Management Systems-Analysis of existing pavement and sidewalk conditions" to the Public Works Committee and was seconded by Councilor Smart. President Mathews reported that he hopes this will be ready for presentation at the town council's next meeting. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Kenneth DiFazio

12 112-Police Department Transfer Request

Councilor DiFazio reported that this matter was referred to the committee on October 15, 2012. The committee met and deliberated on November 13, 2012 and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor DiFazio that the Town of Weymouth transfers the sum of \$20,000 from line item uniform patrol salaries to uniform patrol clothing and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/0.

12 113-Community Preservation Committee-Legion Field Memorial Wall Iron Work

Councilor DiFazio reported that this matter was referred to the committee on October 15, 2012. The committee met and deliberated on November 13, 2012 and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor DiFazio that the Town of Weymouth raise and appropriate the sum of \$10,789.30 from CPC- unrestricted fund for the purpose of funding retainage payment to DeAngelis Iron Works for iron work on Legion Memorial Wall and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED, 10/0.

Public Works Committee-Chairman Ed Harrington

Environmental Partners water/sewer study for Southfield

Councilor Harrington reported that this matter was referred to the committee on October 15, 2012. The committee met and deliberated on November 13, 2012 to resume discussion of limiting Southfield's use of Weymouth water in the event Weymouth's water is restricted and whether this is dependent on inter-municipal agreements. The delivery terms of the contract were also discussed- how long will Weymouth be required to provide water and sewer services and how a subsequent water agreement with an entity other than Weymouth would affect it. None of the invited guests from Southfield attended. It was noted by the chair that there was a lack of communication between the town and Tri-Town and a lack of transparency regarding the future of provision of water and sewer services at Tritown.

ADJOURNMENT

The next Town Council Meeting has been scheduled for Monday, November 19, 2012. At 9:40 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