

**TOWN COUNCIL MINUTES  
Town Hall Council Chambers  
December 3, 2012, Monday**

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  
Brian McDonald, Councilor  
Michael Molisse, Councilor  
Michael Smart, Councilor

Not Present: Richard Swanson, Town Auditor

Also Present: William McKinney, Chief Financial Officer  
George Lane, Town Solicitor  
Kathy Deree, Town Clerk  
Paul Haley, Chairman/Board of Assessors

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:40 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll with all members present.

**ANNOUNCEMENTS**

Councilor Conlon commended Jeff Bina and the staff of the DPW for their work at the tree lighting ceremony in front of Town Hall over the weekend.

Councilor Conlon also announced he will hold office hours in the Town Council Chambers from 10-11 AM and at Southfield from 2-3 PM on Tuesday, December 4, 2012.

Councilor Burke announced that because of numerous donations, the Weymouth Vietnam Memorial statue that was vandalized will be replaced and rededicated in May, 2013.

## MINUTES

### **Public Works Committee Meeting minutes November 19, 2012**

A MOTION was made by Vice President O'Connor to approve the minutes from the Public Works Committee Meeting of November 19, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **Town Council Meeting minutes November 19, 2012**

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council Meeting of November 19, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

## RESIDENT AND COMMUNITY COMMENT

### **Introduction of Southfield Residents Association-Eric Miller of 11 Privet Path**

Mr. Miller read a prepared statement on behalf of the new residents association. He thanked the Council President and Councilor Hackett for allowing the opportunity to address them. The association represents 35 current households on Southfield and he recognized the other members in attendance. He noted that as the development grows, it looks to take an active role within the towns of Abington, Rockland and Weymouth and Tri-Town to work through whatever legislative issues may arise. He also thanked Mayor Kay and Councilor Smart for the assistance they have provided the residents thus far, and Kevin Donovan and the leadership of SSTTDC for the generous amount of time they've spent educating the resident association. Membership in their association is offered to all homeowners of the development and will grow as it does. It was established as a means of communication between the residents and state and political leadership with the goal to creating a successful community.

While the Southfield project was years in the making, the association is proof that the project is working. To date, 300 families, totaling almost 500 people live on Southfield. Their children are attending Weymouth schools, their homes are safe and secure, and not only was this accomplished under the enabling legislation, it was done without adding a burden to Weymouth. He contends that Southfield has already added value back to the community.

The influx of people did not create a drain on services, but adds consumers to the market. Their families go to Weymouth's churches, shop in Weymouth's stores, etc.; it has attracted a new and diverse group to Weymouth who have made an investment in the town by making the area their home. The members of the association share the Council's desire to seeing the project continue to flourish, so all will enjoy the benefits of its success.

He noted while there are many good aspects, there is room for improvement. The enabling legislation has provided a good roadmap, but like any map it can't predict the road construction or traffic which will require a change of course. The end result of a successful redevelopment hasn't changed; only the path to its success. In the year and a

half since the first residents moved in, and during the formation of the association, part of the formation was to identify resident concerns. While none will cause a roadblock, the sooner they are addressed together, the better. The most unique feature of Southfield is the governmental structure in place. If one of the earlier plans for a megamall had moved forward, there wouldn't be any residents to comment; however, unlike the residents of 351 cities and towns in the Commonwealth, the residents of Southfield don't have direct oversight of the leaders who set their tax rate, approve zoning changes, and set the rules and regulations of the development. The current enabling legislation and re-use plan leave the residents to rely on the Tri-Town Board of Directors, appointed by the three communities, to act in their best interests. To date the system is working and they have confidence in Tri-Town, but like all Americans, they want and deserve to play an active and direct role in democracy. They would like to be invited to join the Boards and invited to meetings that oversee the Southfield project.

The residents are prepared to take an active role in their community and would like to work with the Weymouth Town Council and Mayor Kay to find a mutually beneficial solution to their concerns. While the concerns aren't monumental, they are important and require a well thought out solution. He thanked the Council for it's time and noted they look forward to mutual progress.

Councilor Conlon thanked Mr. Miller for his comments. The Councilor reported he tries to be at Southfield the first Tuesday each month. He noted it is confusing to the residents of Weymouth and Southfield. Most of the residents of Southfield were also considered to be Weymouth residents to enable them to vote in state and federal elections. They also can vote in local elections for Council and the Mayor. Southfield residents are Weymouth residents with benefits. Weymouth residents pay over \$9 million for police, \$7 million for fire and over \$1 million for library services. Southfield residents pay nothing. It costs the residents of Weymouth \$135 million for the services provided to them while Southfield residents pay nothing. Southfield residents pay their taxes to SSTTDC and this corporation is responsible for providing all municipal services. The town of Weymouth is not responsible for providing any services to the municipality of Southfield. Councilor Conlon noted it's peculiar that Southfield residents can vote in local elections, but they do not have the right to vote their own Board of Directors. He noted that it's the enabling legislation that needs to be changed, so that the residents can sit on the Board of SSTTDC.

Councilor Hackett welcomed the association members to Weymouth, as Weymouth residents. She responded that the residents do pay taxes as they all know, to Tri-Town. It is not their fault. The town and the development are currently negotiating to provide service contracts.

Councilor Smart welcomed the association members and offered his apologies for the statements made by a previous speaker. They are being hit with legislative agreements that were voted in 1998. He did not agree with the statement that because the property taxes take a different avenue to get to Weymouth--that the Southfield residents do not pay taxes. They still do pay.

Councilor McDonald noted that the development is a work in progress and that the enabling legislation is a living document and may need to be reviewed. It's a great opportunity that has been hampered due to the economy. He welcomed the residents and noted he will work positively toward its success.

Vice President O'Connor noted while he was not on the Council when the enabling legislation was established, he supports it. It will have very positive impacts and the citizenry will become stronger. He stated there is nothing to discuss; the residents are Weymouth residents. The project is in its infancy, and he will work to make it a success.

A motion was made by Vice President O'Connor to take item 12 116-Appointment to the Community Events Committee-- out of order and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

This matter was referred to the committee on November 13, 2012. The committee met and deliberated on December 3, 2012. On behalf of the Budget/Management Committee, a motion was made by Councilor DiFazio that the Town of Weymouth appoints Lori DiBona to the Community Events Committee for a term to expire on June 30, 2015 and was seconded by Councilor Smart. Vice President O'Connor announced that from 4-7PM on December 8, 2012, Lori will be a part of the Christmas in Columbian Square festivities. Councilor Hackett thanked her for her service. UNANIMOUSLY VOTED.

**PUBLIC HEARINGS**

**12 115-Free Cash 2013 Receipts-Special Purpose Stabilization Fund**

A Motion was made by Vice President O'Connor to OPEN the public hearing on 12 115-Free Cash 2013 Receipts-Special Purpose Stabilization Fund and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Chief Financial Officer William McKinney reported that the town received \$108,080 from LNR for base revenue. On behalf of the Mayor he requests it be moved to the Special Purpose Stabilization Fund for capital projects.

Councilor Hackett asked if the base revenue is still going through the Mayor's budget. CFO McKinney responded yes. She asked if the administration has given any thought to separating out the fees for services. CFO McKinney responded it is not at the moment.

Council President Mathews asked if there was any 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 12 115-Free Cash 2013 Receipts-Special Purpose Stabilization Fund and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**12 118-Fiscal Year 2013 Tax Classification**

A Motion was made by Vice President O'Connor to OPEN the public hearing on 12 118-Fiscal Year 2013 Tax Classification and was seconded by Councilor Smart.

UNANIMOUSLY VOTED.

Paul Haley (Chairman) and Kevin Spellman, from the Board of Assessors, were invited to the table to present the request to the Council to establish the mechanism to determine the percent each classification will bear of the tax burden. Fair market values were established for all properties. Residential and commercial properties have all experienced a decrease. Values are based on January 1<sup>st</sup> of the current year. The calculation assumes the tax is raised to the full levy limit of 2.5%, plus new growth. The town has shifted the burden from residential to commercial/industrial property over the last several years. Under the law it can be shifted by 50%. The recommendation of the board at this time is a shift of 48%. Without it, the average homeowner would pay an additional 7.5%. The shift ensures a modest burden on the average home in town. He also noted the town's residents pay less than any other in Norfolk and Plymouth counties, while Weymouth placed 52<sup>nd</sup> in a list of the 100 most favorable communities to live in Massachusetts.

President Mathews reported that an in- depth review of this matter was conducted at Budget/Management. Councilor Molisse asked how often a reassessment takes place and when the next will be. Mr. Haley responded they are typically conducted every three years, but the next will be in 2014-- due to a DOR reconfiguration. Councilor Hackett asked Mr. Haley to provide a very brief overview of Prop 2 ½ and why individual bills could be higher. She also asked the total of new growth for the town. Mr. Haley provided the overview, and stated that the new growth figure is \$707,282.

Councilor Harrington asked if taxes are raised to the full levy limit each year. Mr. Haley responded yes. He further noted that the town still has the lowest taxes in relation to surrounding counties, and provides trash pickup. Councilor Harrington noted that while Weymouth may be one of the most desirable places to live, there is a price to pay. The staffing levels in every department in town are down, and the cost of retired health benefits will be passed on to the next generation.

Council President Mathews asked if there was any 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 12 118-Fiscal Year 2013 Tax Classification-- and was seconded by Councilor Smart.

UNANIMOUSLY VOTED.

**12 119-Special Purpose Stabilization Fund-Pond Plain Improvement Association Building Repair**

A Motion was made by Vice President O'Connor to OPEN the public hearing on 12 119-Special Purpose Stabilization Fund-Pond Plain Improvement Association Building Repair and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

CFO McKinney reviewed the measure and noted he was a fellow Eagle Scout. The request from the Pond Plain Improvement Association to supplement \$75,000 to fund the cost of repairs to the building is an item on the Host Community Agreement list for capital funding. The building is unusable until repairs are made.

Councilor DiFazio provided clarification for the public on the funding source. Mitigation funds were negotiated when the Southfield redevelopment was voted in 2005. These funds do not come from Community Preservation money, services provided to Southfield, nor excess revenue. Each item on the mitigation list was provided a funding amount and voted by Council. Councilor Smart further explained the process the Council used to determine the list. It included projects in all districts and was based on the impact to the community from the development of the base.

CFO McKinney reported that the administration will keep funds for these projects in a separate account (Special Purpose Stabilization Fund) specifically set up and will track the payment of invoices. No funds will be provided to any individual groups. Cheryl Taylor spoke on behalf of her husband and the Board of the Pond Plain Improvement Association, in conjunction with Ron Baker. They reviewed the history and current status of the building. It is currently closed until repairs can be made. The association was originally a volunteer organization that became a civic organization and is the longest running one in the country. The building was erected in 1923 and its members are volunteers and activists. Closing it down would be detrimental to the neighborhood and the town.

Councilor Smart reported that he met with Jim Clarke who will work with the group to oversee the process. They have received three bids and the \$75k will supplement the funding in order to make the repairs needed to reopen the building.

The following were comments from the public:

**Tim Barry, 56 Hilldale Rd.**, supported the request, as a Board Member. He noted the Boy Scout Troop 9 charter history. He also noted the association's traffic slowdown push several years ago, which made a significant impact on the town.

**Pat Fisher, 35 Fisher Rd.** and a registered architect, also supported the request. She reported on the building analysis and the amount of work that the building will require to make it ADA accessible.

**Donald Hunt-Pond St.**, member of Pond Plain and former Board of Selectman also supported the request. He noted the association is an asset to the town. Its members have been involved in scouting organization for over 50 years. Its events are open to the whole town.

**Phillip Barthel, scout leader also supported the request.** He noted it is important to the town and its youth. The association houses scout groups, sponsors sports, and hosts events with proceeds benefitting Weymouth. The hall has been made available to

Weymouth groups at no cost. The association has partnered with veterans' organizations to place flags in the cemeteries, participate in parades, food drives, etc.

**Mathew Norton** reported that he just turned 18 and now can vote. As the association's newest eagle scout he noted the scout groups need their home back.

**Zachary Rush, 84 Mandalay Rd.**, also a member of Troop 9 spoke in support of the request.

**Luke Atell, 48 John St.** read a brief statement in support of the project.

**Richard Duseau**, teacher at WHS and former troop leader, pointed out all the service projects the scouts completed on the building. He also noted Troop 9 is the oldest continuously chartered troop in America, but it cannot keep that standing without the building.

A motion was made by Vice President O'Connor to CLOSE the public hearing on 12 119-Special Purpose Stabilization Fund-Pond Plain Improvement Association Building Repair and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

### **12 120-Appointment to the Conservation Commission-Thomas Tanner**

CFO McKinney requested on behalf of the Mayor and under section 2-10 of the Town Charter that Thomas Tanner of 135 Park Avenue West, be appointed to the Conservation Commission, to fill the vacancy created by the resignation of Greg Shanahan. His term will expire on June 30, 2015.

A motion was made by Vice President O'Connor to refer item 12 120-Appointment to the Conservation Commission-Thomas Tanner-- to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **12-121-Appointment to the Historical Commission-Nancy Pendergast Cameron**

CFO McKinney requested on behalf of the Mayor and under section 2-10 of the Town Charter that Nancy Pendergast Cameron of 169 Pilgrim Road, be appointed to the Historical Commission, to fill the vacancy due to the resignation of Theodore Clarke. Her term will expire on June 30, 2015.

A motion was made by Vice President O'Connor to refer item 12 121-Appointment to the Historical Commission-Nancy Pendergast Cameron-- to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Budget/Management Committee-Chairman Kenneth DiFazio**

#### **12115-Free Cash-2013 Receipts-Special Purpose Stabilization Fund**

This matter was referred to the committee on November 13, 2012. The committee met and deliberated and a public hearing was held on December 3, 2012. 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 \$108,080 from free cash and was seconded by Councilor Smart. This measure requires legal notice, a public hearing and a 2/3 vote of Council. UNANIMOUSLY VOTED.

#### **12 118-FY13 Tax Classification**

This matter was referred to the committee on November 19, 2012. The committee met and deliberated and a public hearing was held on December 3, 2012. On behalf of the Budget/Management Committee, a motion was made by Councilor DiFazio that the Town of Weymouth approve a classification tax shift of 1.48 for commercial, industrial and personal property taxes, with no residential exemption, for Fiscal Year 2013, and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

#### **12 119-Special Purpose Stabilization Fund-Pond Plain Improvement Association Building Repair**

This matter was referred to the committee on November 19, 2012. The committee met, deliberated and a public hearing was held on December 3, 2012. 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 \$75,000 from the Special Purpose Stabilization Fund, for the purpose of funding costs associated with improvements to the Pond Plain Improvement Association Building, and was seconded by Vice President O'Connor.

Councilor Smart thanked the Pond Plain Improvement Association, the Scouts, and the residents who came to the meeting. Councilor Smart requested \$75,000 for the Pond Plain Building as part of the mitigation list in 2005 because he knew how important the Pond Plain was to the community having grown up in South Weymouth. He will support this motion for the \$75,000 and urged his colleagues to honor the list that was agreed to in 2005 and support this as well.

Vice President O'Connor thanked the public for all of the emails he received in support of this measure. He appreciated the show of support at the public hearing as well.

Councilor Hackett also noted her support. She grew up in the neighborhood and the association has always been a big part of the community.

Councilor Harrington spoke of his past involvement with Pond Plain. He was on the Board of Directors in the 1980's and 1990's. He was President from 1997-2002, and he is the father of a son who was in Troop 9.



Councilor Harrington stated conferred with Legal Counsel regarding his ability to vote. He was told there would be no conflict of interest. Additionally, Councilor Harrington checked the Ethics Commission Statutes as well.

Councilor Burke confirmed the association's members involvement with veterans' services and urged support.

Councilor Molisse thanked the board members, youth and public for educating the Council on the historical and civic significance of the association and the building's programs.

Councilor Conlon reported that he will not support the request because he does not believe it's legal to use funds meant for capital projects on privately owned properties. He recommended the association petition the Community Preservation Commission for funding.

Solicitor Lane reported that he conferred with CFO McKinney and reviewed with the DOR. The funds are not coming from taxes.

Councilor Conlon noted that based on Solicitor Lane's information, he will support the measure.

Councilor Lacey noted he was impressed with the scouts and their leaders and their courage in expressing their opinions. He also noted the amount of time the Council spent in crafting the projects that are included in the mitigation list.

UNANIMOUSLY VOTED.

### **Ordinance Committee-Chairman Michael Smart**

#### **12 117-Validation of Assistant Tax Collector**

Councilor Smart reported this matter was referred to the committee on November 13, 2012. The committee met and deliberated. Solicitor Lane was invited to the table to provide a background. Solicitor Lane reported that in the course of executing Instruments of Taking, the validity of title came into question as a result of a title search. This occurred during a change in several key administration positions. Instruments were signed by the Assistant Tax Collector on 229 takings which occurred from 2008-2010. There is a provision in an obscure section of the general laws that prohibits the assistant tax collector from signing. To correct this requires an act to the legislation ratifying the act. The solicitor worked with the legislation, specifically Ron Mariano's office. The approval is required so that the 229 tax takings will be validated.

On behalf of the Ordinance Committee, a motion was made by Councilor Smart that the Town of Weymouth submit the following to the General Court of Massachusetts for enactment:

*“An Act validating certain actions taken by an assistant tax collector in the town of Weymouth;*

*SECTION 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, of the town of Weymouth, prior to the effective date of this act 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 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.*

*SECTION 2. This act shall take effect upon its passage.”*

The motion was seconded by Vice President O’Connor. There was a brief discussion. Councilor Lacey asked how the situation was discovered. CFO McKinney responded that in the course of a title exam it was discovered and brought to the administration’s attention. Solicitor Lane emphasized that the governing language is not in the taxing statutes, but tacked on to an unusual provision of the legislature.

UNANIMOUSLY VOTED.

#### **Resident Notification regarding DPW work**

This matter was referred to the committee on November 19, 2012. The committee met and deliberated and a public hearing was held on December 3, 2012. The committee voted no action at the meeting; but to request the DPW director to have standard operating procedures drafted to the Mayor and forwarded to the committee to review for further action. UNANIMOUSLY VOTED.

#### **Public Safety Committee-Chairman Patrick O’Connor**

##### **Police Department Staffing Levels**

##### **Fire Department Staffing Levels**

Vice President O’Connor reported on the staffing concerns in both departments. The fire department has applied for \$350,000 in grant funding, and some of the staffing costs will be borne by SSTDTC with agreements between the development and the town.

##### **Sound Barriers on Route 3 in Town of Weymouth**

Vice President O’Connor reported that noise levels from Route 3 were discussed with neighbors from Progress Street. They have asked for the town to support a request for a sound barrier along Route 3 to alleviate the noise. While understanding the significant financial constraints, the committee voted to send a letter to request noise and air quality testing be conducted. A draft of the letter to Mass DOT and FEMA was provided to the

Council and will be sent on December 4, 2012. Vice President O'Connor reported no action from the Council is required at this time.

**ADJOURNMENT**

The next Town Council Meeting has been scheduled for Monday, December 17, 2012. At 9:37 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, Town Council President