

**TOWN COUNCIL MINUTES**  
**Town Council Committee**  
**Town Hall Council Chambers**  
**December 19, 2011 - Monday**

Present: Arthur Mathews, President  
Patrick O'Connor, Vice President  
Robert Conlon, Councilor  
Kenneth DiFazio, Councilor  
Edmund Harrington, Councilor  
Thomas J. Lacey, Councilor  
Brian McDonald, Councilor  
Michael Molisse, Councilor  
Michael Smart, Councilor  
Victor Pap, III, Councilor  
Kevin Whitaker, Councilor

Also Present: William McKinney, Chief Financial Officer  
George Lane, Town Solicitor  
Franklin Fryer, Town Clerk  
Kathleen Deree, Asst. Town Clerk  
James Clark, Director of Planning and Development  
Jeff Bina, Director, DPW  
Robert Leary, Chief, WFD  
Capt. Keith Stark, Weymouth Fire Dept.  
Matt Ferron, Interim School Superintendent

Recording Secretary: Mary Barker

Town Council President Mathews called the Town Council Meeting to order at 7:38 PM. Following the Pledge of Allegiance, Town Clerk Fryer called the roll with all members present.

**ANNOUNCEMENTS**

Councilor Harrington announced that the Humanities Center at WHS will be dedicated in memory of late Superintendent Mary Jo Livingstone on Thursday, December 22, 2011 at 6:30 PM. Also on Thursday, the Weymouth Concert Band & Chorus will perform a free concert in the WHS Auditorium. Weymouth Band Parents will offer a raffle. Further information is available by email to: [WBPAforourbandkids@verizon.net](mailto:WBPAforourbandkids@verizon.net).

He also reported that the Columbian Square Neighborhood Association and Mayor Kay co-hosted a Christmas event last Saturday in Columbian Square and on Sunday, Councilors Harrington and Smart participated in cooking breakfast at the Pond Plain Civic Association.

Councilor Conlon announced on behalf of the Mayor and Capitol Waste Services, a

special town-wide recycle event during the week of December 27, 2011. All streets will have recycling picked up on the regular trash day this week only. Holiday gift wrap and boxes can be recycled during the collection. The normal recycling schedule resumes the following week. Further information can be obtained from the DPW at 337-5100.

He also invited the public on behalf of the Mayor to the dedication of the Humanities Center on December 22<sup>nd</sup> in memory of Mary Jo Livingstone at WHS.

**Recognition of Kevin Whitaker, Councilor at Large-Mayor Susan M. Kay and President Arthur Mathews**

President Mathews reported that this is the last meeting for Councilor Kevin Whitaker, who has been a councilor for six years. President Mathews reviewed Councilor Whitaker's service to the Council and the town and read a citation from the Town Council and the Mayor. Councilor Whitaker received a standing ovation.

Vice President O'Connor read a citation on behalf of Senator Hedlund, who was unable to be present.

Mayor Kay also spoke and thanked Councilor Whitaker for his service. Councilor Whitaker thanked the Council, the Mayor and the public. Each of the councilors provided their personal comments and wished Councilor Whitaker well.

**Recognition of Franklin Fryer, Town Clerk-Mayor Susan Kay and President Arthur Mathews**

President Mathews announced Franklin Fryer's retirement after fifty-three years of service to the town. President Mathews, Vice President O'Connor and Mayor Kay presented a proclamation to Mr. Fryer. Mayor Kay reviewed Mr. Fryer's military and civic service and read a poem. Vice President O'Connor read a citation from Senator Hedlund's office. Mr. Fryer received a standing ovation.

Town Clerks from several communities also presented comments honoring Mr. Fryer, including James Mullin (Milton), Joe Powers (Braintree, and on behalf of President Donna Hooper of MA Association of Town Clerks). Danielle Hennessy read a proclamation from Congressman Keating's office, and which was read into the congressional record. Representative James Murphy read a proclamation on behalf of the House of Representatives. A proclamation was also read by Representative Murphy on behalf of Representative Ron Mariano.

Town Clerk Franklin Fryer thanked the Council, the Mayor, the audience and the public. The councilors expressed their gratitude in individual comments and wished Mr. Fryer well in his retirement.

At 8:13 PM, Councilor Whitaker left the meeting.

## **MINUTES**

### **Budget/Management Committee Meeting Minutes of November 9, 2011**

A MOTION was made by Vice President O'Connor to APPROVE the minutes of the Budget/Management Committee meeting of November 9, 2011 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **Special Town Council Meeting Minutes of November 9, 2011**

A MOTION was made by Vice President O'Connor to APPROVE the minutes of the Special Town Council Meeting of November 9, 2011 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **Town Council Meeting Minutes of December 3, 2011**

A MOTION was made by Vice President O'Connor to APPROVE the minutes of the December 5, 2011 Town Council Meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

## **PUBLIC HEARINGS**

### **11 130-Free Cash-Fire Department Turnout Gear**

A MOTION was made by Vice President O'Connor to OPEN the public hearing on item 11 130 and was seconded by Councilor Smart. This was published on December 9, 2011. UNANIMOUSLY VOTED.

CFO McKinney and Capt. Keith Stark, WFD presented the request for \$160,000 to replace turnout gear. Several months ago the Council approved a measure for \$80,000 to replace the gear, and at the time the plan was a phased approach over three years. A presentation by Capt. Stark demonstrated the need for a more immediate replacement of all gear and it was recommended that the department request the balance of \$160,000 to complete the total \$240,000 purchase of 94 sets of turnout gear. Capt. Stark reported that the department applied but was unsuccessful in securing grant funding for the gear. Regulations require that gear be retired after ten years; the current gear is eight years old but has failed testing.

Councilor DiFazio asked why the initial sets weren't acquired once the \$80,000 measure had been passed; Capt. Stark responded that after the failure of the equipment following a hazardous materials incident on School Street, it was recommended that the department look at a way to complete the total acquisition without phasing the project over three years. Councilor Pap asked if a cost savings would be realized by purchasing it all at one time. Capt. Stark responded that the department is avoiding an expected 3-7% increase by placing the order before the end of the year. The department will monitor the gear regularly once it's purchased.

**Linda McDonald, 58 Laurel St.** expressed her concern that funds were appropriated but then not spent in May and questioned the accounting for the funding within the administration. She also requested that the department have a plan to replace gear as it is needed in the future and from within its own budget.

CFO McKinney responded that the department had to wait for free cash to be certified in order to consider the initial request. It was proposed in March and voted in the budget in June. This was a priority by the administration.

A MOTION was made by Vice President O'Connor to CLOSE the public hearing on item 11 130 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**11 131-Free Cash-Special Purpose Stabilization Fund**

A MOTION was made by Vice President O'Connor to OPEN the public hearing on item 11 131 and was seconded by Councilor Smart. This was published on December 9, 2011. UNANIMOUSLY VOTED.

CFO McKinney presented the request. The money received in the Special Purpose Stabilization Fund in FY11 includes \$57,642 on 12/14/10 and \$829,676 on 12/20/10 from LNR. In keeping with the Mayor's commitment to spend funds from LNR on capital projects, the fund was established and now that free cash has been certified, \$887,318 received from LNR has been deposited.

In addition, the town took \$81,820 in September from the Reserve Fund for Legion Field improvements that will be replenished. The total available to deposit in the Stabilization fund is \$805,498.

President Mathews asked if there were 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 item 11 131 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**11 132-Free Cash-Reserve Fund**

A MOTION was made by Vice President O'Connor to OPEN the public hearing on item 11 132 and was seconded by Councilor Smart. This was published on December 9, 2011. UNANIMOUSLY VOTED.

CFO McKinney presented the request. The Reserve Fund began the fiscal year at \$500,000. An emergency repairs to the Fort Point Road seawall required \$250,000 of the fund, with the intent that it would be replenished once free cash was certified. \$81,820 was used for Legion Field, and \$177,516 was replaced in the supplemented supplemental budget voted last month. The net from the Reserve Fund is \$154,304, which will bring the fund back to the starting balance.

President Mathews asked if there were 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 item 11 132 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**11 133-Free Cash-Fire Replace Wood Chipper**

A MOTION was made by Vice President O'Connor to OPEN the public hearing on item 11 133 and was seconded by Councilor Smart. This was published on December 9, 2011. UNANIMOUSLY VOTED.

CFO McKinney requested \$50,000 on behalf of the DPW to replace a wood chipper. This was discussed at Budget/Management. The request will replace a 1980's era chipper and is identified as Item 25 in the Capital Improvement Plan; back up was submitted with the request by the DPW Director. Councilor Harrington provided some background on the equipment and its condition.

Councilor Smart asked for whether procurement procedures will be followed for the purchase. Mr. McKinney confirmed.

President Mathews asked if there were 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 item 11 133 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**OLD BUSINESS**

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

CFO McKinney also reported to the Council that the tax rate was approved by DOR on December 7, 2011; this is a week sooner than it was set last year and the year before. The external audit is almost complete, and he is working with the actuary on the OPEB liability which should also be completed by the end of the month.

**11 134-Free Cash-SEIU Raises**

CFO McKinney requested on behalf of the Mayor that the town of Weymouth raise and appropriate the sum of \$12,600 from Free Cash to transfer to Fund 0002 for the purpose of funding the costs associated with FY2012 salary impact by the contract settlement with SEIU. This measure requires legal notice and a public hearing. At the time of this request, the balance in Free Cash is \$3,699,892.

A MOTION was made by Vice President O'Connor to refer item 11-134 to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

**11 135-Statement of Interest-Seach School Boiler-action requested under 2-9(b)**

CFO McKinney requested on behalf of the Mayor: *“Resolved: having convened in an open meeting on Monday, December 19, 2011, the Weymouth Town Council, in accordance with the town Charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of*

*Interest dated December 20, 2011, for the William Seach Primary School located at 770 Middle Street which describes and explains the following deficiencies and the priority category for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future.*

*The district is seeking funding to replace the boilers, which are forty-three years old. Replacement would improve efficiency, reduce utility costs, insure non-interrupted service and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits to the Town of Weymouth to filing an application for funding with the Massachusetts School Building Authority.”*

Interim Superintendent Matt Ferron reported that the request is made with the MSBA’s Green Initiative. He reviewed the status of the boiler. Councilor Smart asked the department’s plan if grant funding is not secured. Mr. Ferron responded that the project is identified in the CIP and is near the top of the priority list, and a decision will be made if the grant is not received. Councilor Smart also asked how frequently the boiler requires repairs. Mr. Ferron did not have the information immediately available, but the boiler has required repairs over the last several years. Councilor Smart asked if there are energy green credits that are available for the project; Mr. Ferron will explore this possibility.

Councilor Lacey asked for the current SBA reimbursement rate. CFO McKinney responded that the rate received for the Adams roof project, the most recent, was 54.16%. Councilor DiFazio noted the amount the town will need to come up with to be around \$250,000 to complete the project with a net fuel reduction of 40%. Councilor Pap asked if the cost of the project counts towards Net School Spending. Mr. Ferron responded that it does not.

A MOTION was made by Vice President O’Connor to CONSIDER item 11 135 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 11 135 as read into the record: *“Resolved: having convened in an open meeting on Monday, December 19, 2011, the Weymouth Town Council, in accordance with the town Charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated December 20, 2011, for the William Seach Primary School located at 770 Middle Street which describes and explains the following deficiencies and the priority category for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future:*

*The district is seeking funding to replace the boilers, which are forty-three years old. Replacement would improve efficiency, reduce utility costs, insure non-interrupted service and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits to the Town of Weymouth to filing an application for funding with the Massachusetts School Building Authority.”*

This was seconded by Councilor Smart and he noted the request demonstrates the need; a disruption to the system would result in displacing students and requiring the securing of emergency funding; the system is 43 years old, inefficient and he supports the measure. UNANIMOUSLY VOTED 10/0.

## **REPORTS OF COMMITTEES**

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

#### **11 129-Community Preservation Committee-Whitmans Pond Vegetation Management Plan**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on November 21, 2011. The committee met on December 13, 2011 and voted to forward this item to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on December 19, 2011.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio; that the Town of Weymouth transfer the sum of \$24,800 from the General Reserve of the Community Preservation Committee to Fund 0002 for the purpose of funding the costs associated with a Whitman’s Pond Vegetation Management Plan. This was seconded by Vice President O’Connor.

Councilor Smart reported that this was reviewed at Budget/Management. A number of studies have previously been completed. They’ve heard testimony from James Clarke, the Conservation Commission, and many prior studies. He’s looking forward to a comprehensive report, and more importantly, a definitive plan of action to achieve what the town and Whitman’s Pond Association are looking to accomplish. UNANIMOUSLY VOTED, 10/0.

#### **11 130-Free Cash-Fire Department Turnout Gear**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on November 21, 2011. The committee met on December 13, 2011 and voted

unanimously to forward this item to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on December 19, 2011.

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 \$160,000 from free cash for the purpose of funding the costs associated with the purchase of Fire Department turnout gear. This was seconded by Vice President O'Connor. Councilor Lacey strongly advocated the purchase as a need from a public safety standpoint. Councilor Smart commended the department for bringing this before the Council two years in advance of the expiration date for Personal Protection Equipment (PPE), and for not segmenting the purchase in phases. UNANIMOUSLY VOTED 10/0.

#### **11 131-Free Cash-Special Purpose Stabilization Fund**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on December 5, 2011. The committee met on December 13, 2011 and voted to forward this item to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on December 19, 2011.

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 \$805,498 from free cash to be transferred to the Account 8352-Special Purpose Stabilization Fund-Capital Projects. This was seconded by Vice President O'Connor.

Councilor DiFazio reported that the town Auditor has confirmed the figures. The total in unexpended mitigation funds is \$1,734,840. Councilor Lacey commended the administration for allowing the Council the opportunity to take a more active role in how the funds are managed. He also thanked the Council for its support and looks forward to an active partnership between the Council and the administration. UNANIMOUSLY VOTED 10/1

#### **11 132-Free Cash-Reserve Fund**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on December 5, 2011. The committee met on December 13, 2011 and voted to forward this item to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on December 19, 2011.

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 \$154,304 from free cash to be transferred to the Reserve Fund. This was seconded by Vice President O'Connor. VOTED 10/1

#### **11 133-Free Cash-Fire Replace Wood Chipper**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on December 5, 2011. The committee met on December 13, 2011 and voted to forward this item to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on December 19, 2011.



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 \$50,000 from free cash for the purpose of funding the costs associated with the purchase of a new wood chipper. This was seconded by Vice President O'Connor. UNANIMOUSLY VOTED 10/1.

Councilor DiFazio reported that there are three items remaining in committee that are currently under review and he reported on the status:

**Service Contracts NAS**-the committee has brought up the issue of service contracts between the town of Weymouth and South Shore Tri-town Development Corp., and their importance. The Mayor has met with the committee and will voluntarily provide information on any service contracts entered into between the two entities. As information is received, it will be reported out to the Council from the committee.

**Memorandum of Agreement for the provision of water and wastewater services**- this item was referred to the Budget/Management Committee by Councilor Lacey. The committee met and requested information from the Mayor and administration. The Mayor met with and provided written information to the committee at its meeting on December 19, 2011, which in turn Councilor DiFazio has shared with the Councilors. This matter is also ongoing. The committee will monitor the receipt of funds under this agreement and will continue to update the Council as funds are received. The Mayor has provided much clarity on the issue. Councilor Lacey also thanked the Mayor for providing the responses to questions that were asked in committee. Aggressive but balanced support of the agreement has been discussed. He also noted that he is pleased with the dialog and that the committee chair effectively and efficiently managed the progress being made.

**Mitigation List**- there was not sufficient time to continue the discussion on this item at the Budget/Management meeting, but it is the first item that will be taken up in the new year.

***Public Parks and Recreation Committee-Chairman Michael Molisse***

**Update: Maintenance of Emery Estate**

Councilor Molisse reported that a joint meeting of the Budget/Management and Public Parks & Recreation Committees was held on December 19, 2011, after the Special Town Council Meeting of November 9, 2011 when \$35,000 was voted for the purpose of a marketing study of the Emery Estate. Michael Gallagher provided a spreadsheet of the expenditures to date and an estimate of future maintenance costs of the property. The committee has outstanding questions and this will be an ongoing item. Councilor DiFazio added that the town Auditor will continue to track the expenses for the Emery Estate and provide monthly updates to the council.

## **NEW BUSINESS**

### **Site Review-373 Washington Street**

A MOTION was made by Councilor Lacey to add a late agenda item and was seconded by Vice President O'Connor. Councilor Lacey reported that an application has been received by the town and the Planning Department for a site review of the property at 373 Washington Street; however, he received information received earlier in the day concerning the timing of the application that has prompted he bring it before the Council for public awareness at this time. UNANIMOUSLY VOTED 10/1.

Councilor Lacey reported that the town has received an application for a site review for a planned motel in District 2, for the property at 373 Washington Street, the former Bernie & Phyll's furniture store. The Planning Department has scheduled a meeting on December 21, 2011, with limited opportunity for public comment. It is expected that because of the timing, the matter will be continued by the Planning Department. The applicant will be out of the country for an extended period in January and the plan is to have the meeting continued to late February. Councilor Lacey has sent a letter with his colleagues to the Mayor in opposition to the development. He encouraged the public to attend the meeting although there will be limited public information or opportunity for input at this time. He thanked fellow Councilors for their support. The meeting is to be held on Wednesday, December 21, 2011 in the 3<sup>rd</sup> floor meeting room. Councilor Molisse thanked Councilor Lacey for bringing this forward; he is appalled with the plan and reported it is not the vision he has for Washington Street.

## **MOTIONS, ORDERS AND RESOLUTIONS**

### **Carryover of items to calendar year 2012-Vice President Patrick O'Connor**

A MOTION was made by Vice President O'Connor to carry over the following items to calendar year 2012:

- Central Fields – Public Parks & Recreation Committee- meetings held on 11/18/11 and 12/21/11; voted to continue to remain abreast of project
- Fore River Bridge Replacement Project – Environmental Committee-met 12/13/10 and 1/18/11, at which time the committee voted a resolution in support of a bascule style design
- Memorandum of Agreement for Water/Wastewater Service for S. Weymouth Naval Air Station –Budget/Management Committee-met on 12/13/11 and 12/19/11
- Maintenance of Emery Estate – Jointly, Budget/Management and Public Parks & Recreation Committees-met 12/19/11
- Service Contracts for S. Weymouth Naval Air Station – Budget/Management Committee-met 12/13/11 and 12/19/11
- Accounting for Southfield Mitigation Funds – Budget/Management Committee-met 9/26/11, 10/11/11, 10/27/11, 11/9/11, 12/13/11 and 12/19/11

The motion was seconded by Councilor Smart. UNANIMOUSLY VOTED 10/1.

## **ADJOURNMENT**

President Mathews reported that the swearing in ceremony for elected officials is to be held at Town Hall on Tuesday, January 3, 2012. The next meeting of the Town Council will be held on Monday, January 9, 2012. At 9:09 PM; there being no further business, a MOTION was made by Vice Chairman 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