

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
February 2, 2009**

Present: Kevin Whitaker, Chairperson
Arthur Mathews, Vice-Chairperson
Ed Harrington
Brian McDonald
Michael Smart

Also Present: Patrick O'Connor, Councilor
Robert Conlon, Councilor
Victor Pap III, Councilor
Ken DiFazio, Councilor
Mayor Susan Kay
James Wilson, Chief Financial Officer
Mike Gallagher, Director of Community and Administrative Svcs.
George Lane, Town Solicitor

Recording Secretary: Diane T. Hachey

Chairman Whitaker called the Ordinance Committee meeting to order at 6:30 pm.

Councilor Whitaker opened the meeting by asking if there were any items from Administration under "Communications and Reports from the Mayor, Town Officers, and Town Boards" to which the reply was to the negative.

Gasoline Prices-Buyer Beware Update

Chairman Whitaker read into the record a statement from Jeff Richards on behalf of the Department of Municipal Licenses and Inspections:

"There is currently no regulation within the Weights and Measures code that covers the advertising of gasoline prices. There are only guidelines that have no enforceable code to back them up.

There is proposed legislation that, if passed, would put this under the jurisdiction of the Town of Weymouth's Weights and Measures office.

Until this legislation passes, this issue falls under the Office of Consumer Affairs as possible 'Bait and Switch.' "

08 095- Proposed Ordinance-Tenant Identification

Chairman Whitaker announced that this measure will be taken up later on the agenda.

09 006- Exemption from Civil Service for Position of Police Chief

Chairman Whitaker intention is that this evening's discussion be centered around an introduction and fact gathering in terms of what Committee Members should need in order to deliberate this matter.

Mayor Kay distributed a packet to all Committee Members and read an opening statement on this measure. The packet was inclusive of background information on Civil Service and included the guidelines for certification and appointment process, the certification handbook, and a timeline to which the town must adhere. The Mayor noted the following:

- the next date for the Police Chief exam is scheduled for May 16, 2009
- said exam is taken every 2 years, as is dictated by the Superior Officer contract
- the deadline to request the test or file a Form 13 requesting an Assessment is February 16, 2009
- currently there are only two Captains in rank, therefore the test must be made available to lower ranking officers. The Mayor additionally noted that Captain Callahan does not plan to take the exam.
- once the candidate list is certified, the Mayor will choose from the top 3 scorers
- the Mayor's thought process is to choose from as wide a pool as possible-her goal is to choose the very best individual for the job. The individual may very well come from the ranks of our current department- but she specified that no one should be entitled.

Mayor Kay further noted that there is a new Assessment Center which has recently been put into place. Her intent is to file Form 13 by the given deadline.

Chairman Whitaker asked the Committee Members, and those present from the Council, if they had any questions, specific to Civil Service.

Councilor Harrington asked if the only two options are hiring a Chief within the Civil Service parameters and the Mayor appointment. The Mayor stated to the affirmative- that these are the only two options available at this point.

Chairman Whitaker noted the timeline in relation to the next scheduled Town Council Meeting, in relation to the deliberations of the Ordinance Committee. The Mayor reiterated that she plans

on filing the Form 13 by the February 16th deadline. She further suggested that there is much information on the Civil Service website which she encouraged everyone to visit.

Councilor DiFazio asked if any thought had been given to considering the Fire Chief position along these lines. The Mayor stated that as she is coming off of the Police Chief investigation, that she feels justified in taking this route. The Mayor agrees that when the time comes, and we have an opening for the Fire Chief's position, that we should in fact consider a change for that position as well.

Councilor Smart asked if the proposal to take the Police Chief out of Civil Service is successful, if Town Council would approve the appointment of the Police Chief as Department Head. The Mayor answered to the affirmative.

Chairman Whitaker thanked the Mayor for attending and stated that he plans to reach out to applicable parties on this issue, once substantive debating occurs.

Chairman Whitaker again checked with the Committee Members to ascertain if there is additional information they would like in order to effectively deliberate this issue.

Councilor O'Connor suggested that the Committee extend an invitation to the Weymouth union leadership in order for them to air their opposition—Chairman Whitaker acknowledged that Councilor O'Connor's point was well taken.

Councilor Smart asked Chairman Whitaker what his timeline is for scheduling a public hearing on this issue. Chairman Whitaker noted, for the audiences' benefit, the public meeting at the Committee deliberation level versus the public hearing process.

Councilor Conlon noted the importance of the February 16th deadline to file the Form 13.

Councilor Pap suggested that the committee investigate the town of Holbrook, as they appointed outside of Civil Service and then reverted back to the appointment process.

Chairman Whitaker noted that the Ordinance Committee will again meet at the end of February or beginning of March to continue this discussion. He entertained a motion to continue measure number 09 006-so moved by Councilor Mathews-seconded by Councilor McDonald and voted unanimously.

08 095-Proposed Ordinance-Tenant Identification

Chairman Whitaker will offer a proposed amendment of this ordinance for the Committee's consideration.

ADJOURNMENT

At 7:00 PM, with no further business to conduct, Chairman Whitaker entertained a motion to adjourn -so moved by Councilor Mathews, seconded by Councilor McDonald and voted unanimously.

Respectfully Submitted by-Diane T. Hachey
Approved by-Chairman Kevin Whitaker